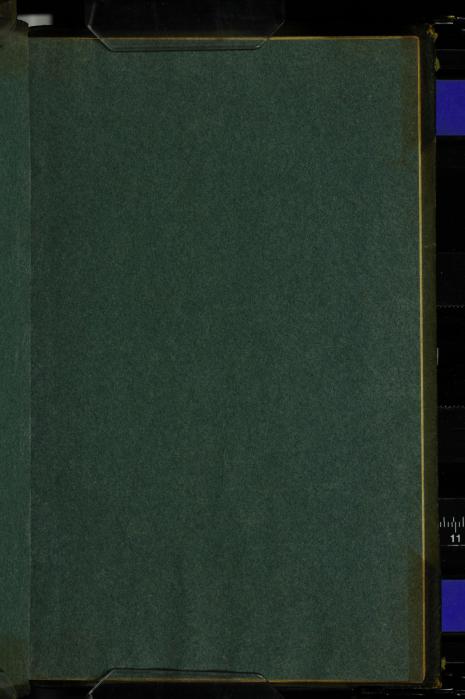


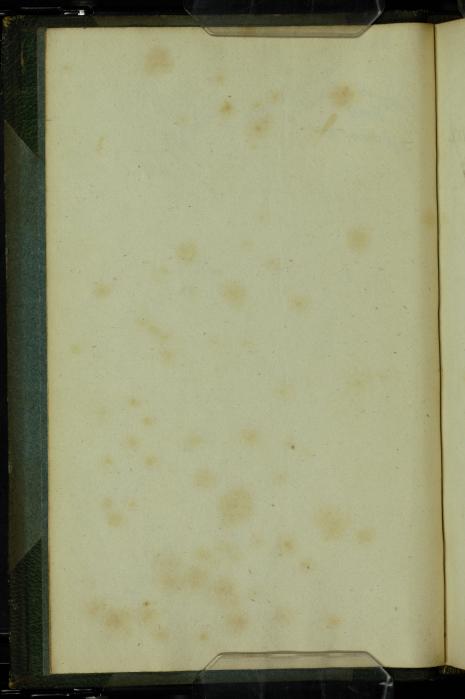
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Cary's answer to Molynewx vide Let. V. p. 77 Dub. 92\_

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# ANSWER

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Dub. 14\_

# Mr. Molyneux

HIS

CASE of Ireland's being bound by AEts of Parliament in England, Stated:

#### AND

His Dangerous Notion of Ireland's being under no Subordination to the Parliamentary Authority of England

#### REFUTED;

By Reafoning from his own Arguments and Authorities.

Rom. 12. 3. For I say, through the Grace given unto me, to every Man that is among you, not to think of himself more highly than he ought to think; &c. Gal. 6. 3. For if a Man think himself to be something when he is nothing, he deceiveth himself.

#### LONDON,

Printed for Rich. Parker, at the Unicorn under the Piazza of the Royal Exchange. 1698.

Rave Small SN 1409 1698

## EPISTLE Dedicatory,

By way of PREFACE

To the Modern English Nobility, Gentry, and Protestant Inhabitants of Ireland.

Right Honourable, Honourable, &c.

Lthough you are by far the least in Number, you are yet to be esteemed as the much more considerable part of the Inhabitants of that Country, in respect of your Power, and the Authority which you bear there. 'Tis true, that upon the sirst Subduction of the Irish Na-

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tion to the English Government, the Laws and Liberties of Englishmen were granted unto them, equally with the Colony of the Old English that were planted among them; but as they were a people that had been always us'd to a fort of wild and barbarous way of Living, they did not affect to embrace the more Civiliz'd Customs and Manners of the English, but for the most part kept themselves off from uniting and joining with them in the Management of the Government, which by the Concessions made to them, they might freely have afted in; yet they continued as a separate and distinct people, sway'd and influenc'd by their own petty Princes or Chiefs of Claus, even to the breaking out into frequent Insurrections and Rebellions against the English Government; which therefore continued all along to be chiefly administred

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nistred by the Inhabitants of the English Pale: And in this state the Affairs of Ireland remain'd until the Reformation of Religion, from whence sprung such a Revolution as produc'd a great Change in the Administration of the publick Affairs there: For after the Reformation had obtain'd in England, the Ancient English of Ireland did generally remain of the Roman Communion, and consequently when 'twas found dangerous to continue them in the Execution of publick Trusts, they also as well as the Irish of the same Religion, were in process of Time, by the Influence and Authority of England, utterly disabled from acting any thing in the Government of the State; and 'tis in their rooms that you have since succeeded, and are therefore look'd upon and treated by England as the governing part, and effective

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effective Body of the Kingdom of Ireland.

But when I came to consider Mr. Molyneux's Book, I thought it very strange, that he who defign'd so Elaborate a piece in your Favour, should yet give you no stronger a Title to the preheminence which you bear in that Country, than what would devolve upon you from those Concessions which were anciently made to the Native Irish and Old English; which, as he would persuade us, did amount to no less than the establishing them upon the Foundation of an Absolute Kingdom, distinct and separate from the Kingdom of England, and wholly Independent thereon; the Consequence of which, if it had been fo, would have stood you in very ill stead, for as you cannot make any pretentions to such Concessions, because you are

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not (generally speaking) descended from either of those People, but their Progeny are still in being, and acknows ledged to be such; all the Rights and Priviledges which Mr. Molyneux bath so strongly contested for, should be due to them, if the Case must be taken as he hath stated it; and nothing can be more plausibly offered in their Justification, for the cutting the Throats of the Modern English, than this Notion: And Mr. Molyneux is so fond of fixing you upon this Old Foundation, that he even disputes the possibility of their forfeiting, or the reasonableness of our retracting those Concessions: I believe indeed, that he might forsee, that if it should be admitted that the frequency of their rebelling and our reducing them by force of Arms, did amount to a Reconquering of this their Independent Kingdom,

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dom, (as he makes it) that would have dissolv'd that ancient Concession, and spoyl his Design of entailing it upon you: However it be, I think this fort of Title does naturally fall under an inextricable Dilemma: For, If Ireland was granted to the Native Irish and Old English, as an Absolute, Independent Kingdom, and was never since re-conquered by England; the Right of administring the publick Affairs of that Governe ment (under the King) ought to re= main in them, since 'twas never given up to you by their Consents; and then they have no reason to consider you otherwise, than as having no Title more than Usurpers and Oppressors, and that you may justly be treated as such, whenever they are in a condition to do it: But if this Independent Kingdom bath been reconquered, the

the former Concessions are actually disfolved, and neither you nor they can have any more pretence to an Independent Kingdom, until you can procure a New Grant for it: And thus Mr. Molyneux in labouring to raise you higher than your proper Basis,

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But I have yet no doubt of your being as well Entituled to the Power and Authority which you enjoy and exercise in that Country, as any People in Europe are; and that it is justly deriv'd to you, from a much more certain Original than what Mr. Molyneux hath assign'd; and I have therefore undertaken in the following Papers to controvert his Notion through every point, and to shew in Opposition to his Arguments; First, That Henry the Second, having subdu'd Ireland by the means of an English

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Army, that Country came to be annex'd to the Imperial Crown, or Kingdom of England, but not to the Perfon of King Henry, in any separate propriety from the Kingdom. Secondly, That the Subduing of Ireland by the people of England, under the Conduct of their King Henry the Second, was then esteem'd to be a Conquest, and is much more to be account. ed so, than William the first's acquis fition of the Crown of England, and that Ireland was thereby most certainly brought under the Jurisdiction of the Parliamentary Authority of England. Thirdly, That King Henry's Descent upon Ireland was a just Undertaking, and that the intire submission of the People to the Government of England, their rereiving its Laws, and being endow'd in all the priviledges of Englishmen, made

made them become a Member of, and annex'd to the English Empire, and gave England a just Title to exercise a perpetual Jurisdiction over them. Fourthly, That all the many Concessions made to Ireland, empowering them to hold Parliaments, &c. can be understood no otherwise, than that they should be enabled to devise and enact such Laws when Occasion required, as were suitable to the Circumstances of that Country: But that no Grant ever did, or could make Ireland an Absolute, Distinet, Separate Kingdom, and wholly Independent of England, or invest it with such a supream Legislature as is inherent in the Head of the Government only; which, with respect to the Body of the English Empire, can never reside any where else than in the King, by and with the Advice and Confent of the Lords and Commons of Eng-

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England in Parliament assembled. Fifthly, That the Presidents and Opinions quoted by Mr. Molyneux, do not by any means assist his Argument, but do most of them support mine against him. And Sixthly, That his Reasons and Arguments offered on one side and t'other, are as little to his purpose; but that the English Settlements in Ireland always were, and ever must be properly accounted as a Colony of England, and hath ever been by her protested and supported as such.

By these Principles then, and no other but such as these, can the English be justify'd in their Conduct towards the Irish; whereas if they had been an absolute, distinct, independent People, the former and latter Disturbances they have given us, could not have been Rebellions, but were just At-

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tempts to vindicate their Rights against a People that had without Reason violated them; their Lands had not been legally Forfeited, but forcibly taken from them, against all Justice and Reason; and the Spilling of so much of their Blood must lye heavy upon those that provok'd them to take up Arms, in Defence of their just Liberties and Properties. Is it not much more for your Interest then, to put this matter on the right bottom, upon which our Actings towards them were always grounded, by confidering the Irish as a People that had been subdu'd and brought in Subjection to the English Government, and were united to it in the Nature of a Province of its Empire; and to esteem the English that have been settled there as a Colony of England, which we were oblig'd to protect and defend against

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against any Insults and Violences offered them by the Natives? For this must justly subject them to the Forfeitures and Penalties due to Rebels, vindicate us in the Severities we have exercis'd upon them, support you in the possession of the Estates which were taken from them, and return the the Guilt of all the Blood that hath been shed in the Irish Wars, upon their own Heads, as being the Aggressors.

These things are so Obvious, that I believe, there are many of you that can have no good Opinion of Mr. Molyneux's Book, yet I am told that there are others, and some of good Rank among you, that are very fond of it: It does indeed with respect to you carry the face of a Popular Argument, and is artfully written; and he that can take the Latitude of ad-

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vancing his own Imaginations and mistaken Conjectures with the Confidence of Realities and Certainties, Juggest Falsities with the utmost Assurance, and omit Material Truths; may impose much upon an unwary Reader, especially if he thinks what's offer'd is for his Interest.

#### Quod volumus, facile credimus.

ing the A But any thoughtful Man, that will give bimself leave to Consider it impartially, bious, the will find it to be one of the weakest and most mistaken Books that ever was writinion of ten with such a flourish of Language, lantold and shew of Learning and Integrity. Ime of The Story of King John's being made are very an absolute Independent King, is the it reput main Prop on which he lays the great-Popular left stress of his Reasoning, and yet it written; a proves but a meer Imagination: The itude of Writers indeed of these Times do say,

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he was made King of Ireland, but it looks but like a Complement to him, for the Grant it self shews plainly that 'twas but a feudatory Donation, and that 'twas never intended to make him an Independent King, because he was limitted to use no higher Stile than that

of Lord of Ireland.

Mr. Molyneux also deals very unfairly in many other particulars, and it appears that he had more regard to gain the point he contests, than to discover the genuine Truth of the matter; for he hath not only stretch'd in favour of his Argument beyond what any Authorities can warrant, but he has also conceal'd divers obvious Instances that make against him; of which I shall observe to you some Particulars, that have occur'd to me since I had gone through with my Answer: I have accidentally met with

Sir Richard Bolton's Statutes, (which he quotes) wherein 10bserve, that there 28 H. 8. are several Acts that declare in most Ch. 2. express Words, that the Kingdom of Ch. 19. Ireland is appending, united, knir, 33 H. 8. and a Member rightfully belonging to the Imperial Crown of England: And yet Mr. Molyneux obdeals I serves this to us with such a Diminution; as represents it but as it were united, and which he conceives effit, that fects no more, than that Ireland of the mi shall not be alien d or separated from the King of England, &c. beyond in but I cannot imagine that he is so igrant, bu norant of our Constitution, as enot to obvious know, that we can have no Notion of uniting or annexing to the Imperial Crown of England, as appropriated to the King's Person, distinct from the Kingdom, which if it can be sence any where else, is yet perfect Nonsence in England.

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England. But I have met with one Prevarication so notorious, that I must not omit shewing it: Mr. Molynex in page 41. hath thefe words; For the Dominion and Regality of Ireland was wholly and separately vested in King John, being absolutely granted unto him without any Refervation. And he being created King in the Parliament at Oxford, under the Style and Title of Lord of Ireland, enjoy'd all manner of Kingly Jurisdiction, Preheminence and Authority Royal, belonging to the Imperial State and Majesty of a King, as are the express words of the Irish Statute, 33 H. 8. cap. 1. I must confess, that I believ'd that this Statute had been as express in the matter as he delivers it, but 'tis so far from it, that there is no mention made of King John, or

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or his Grant in it: The words of the Act are, Forasmuch as the King our most gracious Sovereign Lord, and his Grace's most noble Progenitors, Kings of England, have been Lords of this Land of Ireland, having all manner of Kingly Jurisdiction, Power, Preheminencies, and Authority Royal, belonging or appertaining to the Royal Estate and Majesty of a King, by the Names of Lord of Ireland. We deny not, that King Henry the Eighth's Progenitors, the Kings of England, had this Royal, Sovereign Authority over Ireland; but his Infinuation, that John had it before he was King of England is plainly false, and not warrantable by this Statute.

Again, he mightily imposes upon the King Job World, in afferting, That before the Year.

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Year 1641. there was no Statute made in England, introductory of a New Law, &c. but those which he had before-mentioned: And though while I am dealing with Mr. Molyneux, I confine my self to mention no Authorities but his own, yet I will here presume for a proof of his Ignorance or Disingenuity, to name some other old Acts binding Ireland, which have been imparted to me by a very Learned and Observing Gentleman of our House of Commons, whose Credit I can relye on, without troubling my self to search the Records; and I doubt not but Mr. Attwood bath been much fuller in this particular, though I deny my self the reading his Book till my own be perfected.

The Statute of York, 12 Ed. 1st. Enacts Laws to be observed in England and Ireland; 11 Ed. 3. cap. 3.

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Prohibits any Cloaths to be brought into England, Ireland, Wales, and Scotland, (for we then claim'd a Dominion over Scotland also) but such as were made in the King's Dominions, upon pain of Forfeiture; 27 Ed. 3. Erects Staple-Towns in Ireland; 34 E. z. cap. 17. Enacts, that Merchants, Aliens or Denizons, may come into Ireland with their Merchandize, and freely return; 43 Ed. z. cap. 1. The Staples of Ireland, coc. shall be kept at the places where they were first ordain'd; 1 Hen. 6. cap. 3. Enacts that the Irish, that have Benefices or Offices in Ireland, shall abide there. upon their Benefices and Offices, upon the pain of forfeiting the Profits of their Benefices and Offices for the Defence of Ireland, and mentions the like Law made the 1st. of Hen. 5th. From these and many other instances,

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it evidently appears, that England hath always exercis'd a Legislative Jurisdiction over Ireland, whenever sit Occasions have made it necessary.

I have also seen the Irish Acts of Set= tlement and Explanation, and though Mr. Molyneux Jays, that they plainly shew, that the Parliament of Ireland may repeal an AEt pass'd in England, yet I find nothing like it in those Acts; but on the contrary, the King's Declaration, which is of the Body of the AEt of Settlement, although it takes Notice that the Estates and Possessions enjoy'd by the Adventurers, would prove very defective, if they were examined by the Letter of the Law, because they had not strictly pursu'd and observed those Acts of 42, from which they deriv'd their Title; yet 'tis made the first Business of this Act, to confirm these Adventurers in the Inheritance of all the Estates

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Estates allotted them by virtue of those English Acts of Parliament; and 'tis provided, that if they should be obliged to restore any of those Lands to Innocents, they should be first reprized to the full Value out of other forfeited Lands. What more could be defired, to shew the utmost regard to those English Acts of Parliament? 'Tis true indeed, that the AET of Explana= tion retrenches one Third of the Allotments made to the Adventurers; but this could not be construed as any Breach upon the English Acts, for if they had taken a greater share, than the Lands that remain'd forfeited would amount to, 'twas but reasonable to reduce them to a just proportion: So that here again Mr. Molyneux hath evidently strain'd this Suggestion beyond the Truth of the Fact. I have indeed, remark'd these things at large in their places,

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places, but as some more perfect Informations have since come to my Hand, I thought they might not improperly be hinted here, for the obviating the too great Opinion of Mr. Molyneux's performance, with which some may yet remain praposses'd, and preparing them to entertain my Answer with the less

prejudice.

I have heard indeed, that 'tis not to Mr. Molyneux alone that we are beholding for this Notion, but that it hath for several Years past been talk'd on among several of your People, and he hath only redue'd it into form, and now at last brought it forth into the World; and you may observe by the Votes of our last Parliament, that they were of the Opinion, that several Resolves of your House of Commons gave Encouragement to the publishing of this Book. But I would yet hope,

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that many of that Assembly were not Jo far appriz'd of the Matter, as wittingly to Design the doing any things that should give so great an Offence to England: Yet I can assure you, from the Conversation I have had with feveral of the Members of our House of Commons, that although they had not Leisure to proceed further upon this Busmess in their last Sessions, 'tis however very probable that it may be taken into Consideration again by the ensuing Parliament, as a Matter which if it be not check'd in time, may produce very ill Effects: And you cannot but be sensible of the Dangerous Consequences of breaking the fair Correspondence and firm Confidence that ought always to be maintain'd between the Head Government and its Members; and that when Misunderstandings and Jealousies are once entertain'd.

tain'd, they are too apt to be improv'd into Extreams on both sides. You know also, that you have an Old Enemy near you, who would be ready enough to entertain hopes of Advantage to themselves from any such Jarrings: And you must needs acknowledge, that 'tis an imprudent thing to provoke those that have not only Right, but also Power to

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support it.

It hath been an usual Policy with some other Governments, to keep so strict a Hand over their Colonys, as not to suffer the Criolians, or People born there, to bear any Considerable Office or Command therein; but the Government of England hath not dealt so hardly by you, and doubtless it will be always your Interest to prevent the giving any Occasion to distrust your Fidelity, and to think it may be needful to treat you with more Caution.

e improvi I should think therefore, that you You know cannot do your selves a greater Right, Enemy near than in the next Sessions of your Parenough to liament, not only to Censure this Book, ge to them but utterly to Disclaim also the Norings: An tion of your being a Kingdom so absothat its lute within your selves, as to be wholthose that ly independent of the Kingdom of Englofower land; I hope I have been able in my following Discourse, to Convince any Policy mil reasonable Person that it cannot be so, to keep of and that instead of doing you any good, Colonys, 'twould tend to your Destruction to m, we have it thought so: Yea, and if you Consider should Recognize your selves to be a in; but Colony of England, (as I have shewn nd hath "that you cannot be lookt upon under and doubt any other Consideration) I believe notrest to post thing can be more agreeable to your onto differ Circumstances, or better support your kit mo Title to what you enjoy in that Counnore latin try. It would also be well worth your Thoughts.

Thoughts, whether it might not be fit for you to shew your Readiness to Conztribute something, according to your Ability, towards the Reimbursing of England a part of the vast Charge they have been at, in recovering that Country, and restoring you to your Estates; whereby you may possibly prevent the Parliament of England's requiring it of you; for I can tell you, that since Mr. Molyneux bath started the Thought, some of the most considerable Members of our House of Commons have talk'd on't.

I have no ill will to Ireland, I have had the Honour to have been in Conversation with many of you, for whom I have the utmost Respect and personal Esteem, and I have been sorry to see so much of an Inclination in some worthy Persons, to savour this Opinion of Mr. Molyneux. The sense of Power

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and Profit prevails much upon Hue mane Fraitty; nay, it eafily subdues our Reason, and makes us unwilling to entertain Convictions against what we have believ'd to be our Interest; but I have endeavoured to shew those that are mislead in this Matter, that it can by no means be their Interest to be freed from the Jurisdiction of the Parliamen= tary Authority of England: You know that you are not able to protect and defend your selves against the Rebelli= ons of the Irish, and that the Kings of England cannot raise Money upon the People to help you, without their Consent in Parliament; would you have them then only to have Author rity to raise Money, and appropriate it to your Service, without having any more to do with you? Or can you think, that the Parliament of England will ever more affift you upon thole

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those Terms? rather may they not with good Reason demand a Reimbursement of what Mr. Molyneux owns to be due to us for former Assistances? which would doubtless as mount to a greater Summ than you

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are ever able to pay. People that do good Offices, expect at least a grateful Acknowledgment from those that receive them: We have never been sparing of our Blood and Treasure, to help you in your Distresses, and yet 'tis too well known, that many of your People have been apt to Speak very slightingly of what we have done for you, and to tell us, that what we did was not out of regard to them, but to our selves: And since the Bill design'd to restrain you from spoyling us in our principal Trade of the Wools en Manufactury, by underselling us in Forreign Markets, we have been sharp-

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ly reflected upon in print, as if we were about to ruine and undo you, and even deny you Earth and Air, and the common priviledges of Mankind: Nay, we were after a fort Threaten'd with the Danger of your joining with some other Interest than that of England, or of your quitting the Country, &c. and even Mr. Molyneux bath given some touches upon the same string: Give me leave to tell you, that this is not lookt upon as a modest or friendly Behaviour, much less does it denote any sense of Gratitude retain'd in a People that were so lately Reliev'd by England, and restor'd to the enjoyment of plentiful Estates, which they must never have expected but through the Help of England; and this hath been done pholly at our Cost, and they have not (hitherto) been askt to Contribute one Penny towards it; some People would

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not surely have so soon forgotten so great a Benefit. I am yet desirous to reason a little with you upon this Matter, but 'tis hard to use so much planness as is requisite, without giving Offence to some, which I would as far as possible avoid, my Design being real Friendship and Good will to you, and I should rejoice if I might be instrumental to Reconcile you to an even Temper of Mind; but that's hardly to be done with such as shall persist to be of the Opinion that they are altogether in the right: Suffer me however to tell you, that you have ways enough to employ your Poor, without the Woollen Irade, which with you (as to those forts that hurt us ) is a New Undertaking: You have large and encouraging Improvements arising from the product of your Lands; your great quantities of Provisions, Butter, Leather, &c. afford Dedicatory.

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Good will

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afford you a fair Foundation for Forreign Trade, besides you are very capable of a Linnen Manufacture, if you will employ your Stock and Industry that way. On the other hand, England hath for many Ages, apply'd her self to the Woollen Manufactury, the poor are settled in it, and have no other way of Livelyhood; the onto an hath no means of gaining Wealth Sufficio dishad ent to support her Government without A perfift i it; but your being able to work so much malog cheaper, must of consequence abate the me home prices to so great a degree; as that may con the cannot be able to hold the Trade; bouthell which in time will cause a decay of (with her Wealth and Power, draw inevi-New lin table Ruin upon her whole Empire, longing and involve your selves in the same: Is it not easie then to determine, for the prod whom 'tis reasonable to give place in at quanti eather, this Contest? 'twas upon this Consider deration,

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### The Epistle

deration, you have been restrain'd from exporting your Wools to any Country but England, and is not the necessity of restraining the Manufacture thereof much more cogent? Bear with me to say, that the evident reason of the thing is sufficient to convince all Mankind, that England must be perpetually oblig'd to preserve this Trade to her self; that she cannot suffer any of her Members to interfere with her in it, and that to advocate against so just an exerting of the Supream Authority, shews only a self-seeking Tem. per, in Minds that would grafp all to themselves, without having any regard to the Well-being of the whole Commus nity, of which they are but Members: You see the People of Romney-Marsh, are not willing to be hindred from sending their Wools to France, and the justice of the thing is as much to them

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as you, the only difference is, that they being within the Realm of England send Representatives to the Parliament; and yet perhaps they would have been as far from consenting as you, there would be no possibility of conferving Societies, if such Compulsions
might not be exercised towards partithis in culars. culars. not fuffer

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We must yet own that 'tis but a natural infirmity, for Men to be hardly perswaded into the right reason of things which they believe to be against their own Interest; nay, we find that stall they are too apt to be prejudic'd against gay fuch who endeavour to convince them hole (om of their Mistakes; and as we observe Mend that particular Persons are subject to ney-Ma prevailing Inclinations, so also there from are Habits and Dispositions, that are e, and in some measure peculiar to distinct Coun= much to th

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### Dedicatory.

Countries and People, from whence it hath been usual to give general Chara-Eters of the Inhabitants of particular Countries, according to the Virtues or Vices that have been noted to be most predominant among them; neither is it difficult to affign some natural causes, from whence such habitual Dispositions may proceed; for some instance whereof, I would offer the consideration of a Colony well settled in an abundant Country, where the People find very easie means of subfistence and improvement, and are in great measure exempted from the solicitous Cares and Difficulties of Life, that attend the Inhabia tants of places that are more populous and fully cultivated; and where also they have been us'd to exercise a large Dominion and Power over the Natives, who have been always kept in a servile Obedience and Subjection to them, to

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The Epistle

when a far greater degree than can be practird Cha ced in a Country where the People enjoy form a more equal share of Liberty: Is it not e Virtue reasonable then to expect, that the Inhato him bitants of such a Colony may be naturally Generous, Hospitable, Free of Converstard in Sation, and of Couragious and Bold Spi-Diffe rits? These are Virtues, which every force the Body will commend; but is it not as na= identified tural for such a People, to be less ready undant (n to pay so intire an Obedience as may be my a requir'd of them by their Superiours, and opposement to be uneafie under any Checks, that may e exemp impeach them in the projecution of such advantages that they may find themthe la felves capable of, without confidering how prejudicial they may be to others? may when there not be an aptness in such a People to rifes to be somewhat assuming, and to have a he Nath good Opinion of themselves? will there in a fer not be a prone s to impatience, and for= then, wardness to reflect, when any Contradi-Etions

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Dedicatory.

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ction is given them? may they not be likely to expect more regard from others, than is really due to them? Is it not probable, that they would be less considerate in giving Offence, than ready to take Offence at others? may not heighth of Spirit be pearer their Temper, than true Humility? Moreover, as they have no Concern in the transacting with Forreign Nations in matter's of Government, they may be the less us'd to consider of the Nature and Reason of Political Managements, or to think how far it is incumbent upon a Mother Nation or Supream Government, to regulate all her Colonies or Members, so as that the Tranquility of the whole Empire may be best conserv'd; and perhaps they may be subject to forget the Obedience and Duty which must be perpetually owing from them to her: Thefe are Humane Infirmities, that may be very naturally incident, to a People under the fore-mentioned Circumstances; and I have met with ingenuous Persons who have been bred up in such Colonies, that have readily acknowledg'd, that their Judgments have been much rectify'd in these matters, when they have come to see more of the World.

Dedicatory.

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World, and been made sensible of the better Accomplishments that are to be found in a more Polite Conversation; they may perhaps attain to a good pitch of School-Learning, but that can amount to no more than a very superficial Knowledge, in respect to the far greater improvement that is to be gain'd by reading the great Book of the World, and practifing the ample Study of Men and Things.

I am tender of putting these things too home, because I know that though Men should be brought to see their own Infirmities, but few can endure to be told of them; yet a Marriner will esteem him for a Friend, that warns him of the Rocks and Sands that lye in his way, and a wife man will never account such an one his Enemy, who over-perswades him into the right way, when he was confidently going on in the wrong. I am sure, I want not good Will to the People of Ireland, and I bes; and the lieve no Man that hath no concern there, can wish their Prosperity more than I do, and I am very sensible, that 'tis the inir Fudomis terest of England to encourage them in all such improvements, as may conduce to their Happiness and Well being, provided

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### The Epiltle

vided they are such as may not prove

highly prejudicial to her felf.

I (ball think my pains in this Undertaking to have been very well bestow'd, if I have been able to offer any thing that may convince you, that 'tis your undoubted Interest utterly to abandon the Thoughts or Desires of being look'd upon by the Parliamentary Authority of England, to be a People wholly exempt from their Jurisdiction: And as I know my Name is too inconsiderable to add any Authority to the Argument, I hope I may be excus'd in concealing it from the Odium of such, who may not discern the fincerity of my Intentions towards you in this Essay; and yet I will not doubt, but there are others who will believe me to be, as I am resolv'd upon all Occasions to the utmost of my Capacity, to render my felf,

Right Honourable, Go.

Your Real Friend,

and very Humble Servant.

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Friend,

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eay not discer F all the Freedom that hath ns towards ; been taken since the Liberwill not do ty of the Press, we have mill believe fcarcely feen so bold an Attempt as that of this Author, it being no less than to strike off from the Kingdom of England with a dash of his Pen, the whole Nation of Ireland, over which it hath exerciz'd a just Dominion for many hundreds of Years; and yet I believe it will appear, that he hath not shewn the want of Consideration more in his choosing B

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chooling an Argument of fo dangerous a Consequence, than by his tuperficial, confus'd and mistaken way of managing it, the strength of any reasoning that he hath offer'd, being much more applicable to the Native Irifb, with whom the Original Contract (if there were any such ) must have been made, than to the Brittish Protestants inhabiting among them. But it is to be confidered, that the Political State of Ireland hath suffered very considerable Alterations since the first possession of it by the Englist; for though that first Submission of the Irish was so universal, as that the English posses'd themselves of most of the considerable Towns. and settled far and wide in the Island, yet in after times, through the defection of the Irifb, and the mixing and uniting of many of the Old Englifb with them, that part which remain'd intirely under the English Obedience, came to be confin'd to a Narrow Compass, perhaps not above four or five Counties, which was till very lately diffinguisht by the

so do the Name of the English Pale, and by his the far greater part of the Country raken remain'd under many petty Domigh of nions, posses'd by the Irish Lords and erd, we great Men, who paid but very little the Na Obedience to the Government of Engiginal (land; but on the contrary, some or socher of them were almost continuthe Brally giving disturbance to the Engnong the life Government that was fettled the there, by which means they were hat thut out from having to do with the rations English in the Transacting of the w the & Publick Affairs of the Country; and Submitthe Reduction of them never came niveral, to any tolerable Perfection, till so themsellately as the Reign of Queen Elizable Tombeth; so that indeed those Ancient the Parliaments, and other Managements igh the of the Publick Affairs there, which the mMr. Molyneux mentions, did scarcely he Oll toperate further than among the Eng. which, as I faid before, the Exextended but to a small part of the confin Island.

There was yet another great Ocnies, wcasion which made a very considengular rable alteration in the Administration

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tion of the Government of that Country, and that was the Change of Religion; for after the Reformation came to be throughly establisht, and the Roman Catholicks were found to be continually defigning against it, all of that Religion were excluded from having to do in Pub. lick Managements; and this shut out not only the Native Irifb, but even the Old English, who mostly continued under that Profession. But Mr. Molyneux takes no Notice of the Distinctions that ought to be made of these different Interests, but that he may carry on his Point, blends and confounds them all together; as if they were to be considered alike, as one intire People, establisht and continuinuing upon the same bottom of Government. If then due Regard be had to these and other Distinctions, which must be observed upon his way of Arguing, I believe it will be found, that this doughty piece of Irish Learning will appear but a very indifferent performance.

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he Cha any thing that may deserve applause, e Reform and therefore must commend his y establil smooth way of Expression, and own olicks w him to be a good Master of Words, y deligni but yet to have applyed them fo ill, eligion will still continue him under the do in Censure of being much wanting eid this ther in Integrity or Judgment, and makes this Book of his to deserve no who m better a Character than that of Vox olellood & praterea nihil. I have heard in-Notice of deed, that some have been taken with to be m the seeming Modesty and Submissi-As, but h on with which he introduces his oint, bler Discourse, as if it were but an innoogether cent representation of the ancient idend a Rights and Liberties of the People illinand of Ireland, and a just Remonstrance ne bonto of fome Encroachments and Invalie Recan ons made upon them by the Govern-Diffind ment of England; but if it shall apponlist pear, that the Kingdom of England ill bein hath a certain Jurisdiction over them, lible and that it hath never treated them very in otherwise than according to the Rules of Justice, and with such a due Podemain licy as becomes every Supream Authority to Exercise over all the Members

հփհ 11 bers of its Empire, for the Confervation of Peace and Tranquility to the whole, and in that have not exceeded the Bounds of a reasonable and just Dominion; that part of the Empire that shall endeavour to withdraw themselves from the Subjection which they justly owe to the Supream Government, that hath always protected and defended them, and shall challenge to themselves Im. munities and Privileges, which never were or could be granted them, without prejudice and injury to the greater Body of the Government, deferve not to be confidered as Affertors of their own Rights, but rather as Invaders of the lawful Authority which God hath placed over them; and certainly it must rather be Matter of Contempt and Derision, than of Commendation, to see a Man treat his Superiour with a strain of Fine, Smooth, Gentle Words, and Fawning Complements, upon a Subject that is altogether imposing and odious to him. Thus much I thought requisite to premise, and so shall proceed

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ceed to the Examination of his Difcourse. In which I intend to take Notice only of such matters as I shall think most Observable.

In his Dedication to the King, he Humbly implores the Continuance of his Majesties Graces to them, by protecting and defending those Rights and Liberties which they have enjoy'd under the Crown of England for above 500 Years, and which some of late do endeavour to violate. His most Excellent Majesty is the Common Indulgent Father of all his Countries, and hath an equal regard to the Birth-rights of all his Children; and will not permit the Eldest, because the strongest, to encroach upon the Possessions of the Younger.

Here it should be Noted, that by the Crown of England he must intend the Kings of England, as distinct from the Kingdom, (although I think this a very improper way of Expression) which is evident from his Simile of the Eldest and Youngest Child, as well as by the whole Design of his Argument; and this perhaps might have served the turn in B 4

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making his Court to a Mac Ninny, or a Prince fond of the Irilb Nation, but it looks but like a course Complement to his Majesty, to entertain him with a meer begging the Question, when he knows right well, at what a vast Expence of the Blood and Treasure of England, that Country was so lately (under his Glorious Conduct) reduc'd to its Obedience; and he is too Just and Generous a Prince to endure that any Parasite should perfwade him, that any acquifition gain'd at the Expence of great Taxes rais'd upon the whole Body of his Subjects of England, and even appropriated by the Parliament for the particular Uses in which they were to be employ'd, can appertain to him in any propriety distinct and separate from the Imperial Crown of England. Neither is it reasonable for him to expect, that his Majesty should believe, that the Some he means, are about to violate their Rights and Liberties, without clearer Proof than any he hath brought. But it may be worth Inquiry, to know in what sense he brings

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brings Ireland in with us for an equal share of Birth-right, allowing us no higher Priviledge than that of being the Elder Child. If he means this with respect to the Old Irish, surely the many Disturbances they have given us, and the many Occasions we have had of reducing them by force of Arms, may fairly admit us to some higher Title over them; but if he means it of the English Inhabitants, they will certainly own themfelves to be descended from England, and it would ill become them to start up and call their Mother by the Familiar Appellation of Sister. What he hints of encroaching upon their Possessions, cannot be taken to have any fair Meaning, unless he intends thereby to blame us for feizing the Estates of those that have been in Rebellion against us.

In his Preface he tells us, How unconcern'd he is in any particular Inducement, which at this juncture might feem to have occasion'd his Discourse. He hath no concern in Wool or the Woollen Trade, he is not interested in

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the Forfeitures or Grants, nor solicitous whether the Bishop or Society of Derry recover the Lands they contest about.

I believe seven Eighths of those Gentlemen of Ireland, that have been so busie in soliciting against the Woollen Manufactury Bill, might make as fair a Protestation as this, and yet it seems they thought themselves concern'd in the Consequence of that Matter; but his Reach in this, is to shew his Dislike of the Parliament of England's medling with the Business of the Forseited Estates, as well as the rest.

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He says, 'Tis a Publick Principle that hath mov'd him to this Undertakeing; he thinks his Cause good, and his Country concern'd; 'tis hard if they may not complain, when they think they are hurt, and give Reasons with all Modesty and Submission: The Great and Just Council of England freely allow such Addresses; to receive and hear Grievances is a great part of their Business, and to redress them their chief Glory,

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Glery, but that's not to be done till they are laid before them, and fairly

stated for their Consideration.

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'Tis yet but a Private Principle, to become an Advocate for a part against the Whole; his Name shews him to be of English Extraction, and I know none of his Neighbours under that Circumstance, who don't reckon it a Privilege, that they may ffill own Old England to be their Country, and be owned by her, though they are permitted to live in Ireland if they please; what if they are not hurt, and the nature of their Complaint be fuch, as that it cannot be thought to be within the Bounds of Modesty and Submission? how could he be so fond of his Project, as to imagine that the Parliament of England would freely allow such an Address, which impeaches their own just Authority? They will never think the publishing a Book to the World, which is little better than Sheba's Trumpet of Rebellion, to be a fair way of stating Grievances; but that 'tis a part of their Business and

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and their Glory, when they think it worth their while, to call such Authors to account for their Boldnels.

I begin now with his Book, which as near as possible I shall follow in order, and for the Authorities which he hath quoted, I shall leave them to him very little disturb'd, but take them as he gives them, whether they are right or wrong, only making fuch Observations as may result there. from, or from his own Reasonings.

He begins with a very fine Complement again to the Parliament of England, and then takes upon him to give them Due Information in mat-Page 2. ters wherein ( as he fays ) another People are chiefly concern'd; and tells them, that he could never imagine that fuch great Assertors of their own, could ever think of making the least breach upon the Rights and Liberties of their Neighbours, unless they thought that they had Right so to do; and that they might well surmise, if these Neighbours did not expostulate the matter, and this therefore, seeing all others are silent, he under-

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undertakes to do, (but with the greatest deferrence imaginable) because he would not be wanting to his Country, or indeed to all Mankind, for he argues the cause of the whole Race of Adam, Liberty seeming the Inherent Right of all Mankind.

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Now it feems, from Children of the same Parent, we are become another People and Neighbours; the Irilb may be faid to be another People, though they have not been very good Neighbours to us sometimes; but the English we may justly challenge to be our own, and not ano. ther People; and we shall hardly admit them to be our Neighbours in fuch a fense, as that we should transact with them in Matters of Government, upon the same foot, and at equal distance with our Neighbours of France, Holland, &c. If they expect this from us, I hope they'll shew us the respect of sending their Ambassadours to us, and do this Champion of their Liberties the Honour to let him be the first. Can he think the Parliament of England Will

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will believe themselves to be civilly treated by him, because of his fine Words, when he is Suggesting to the World as if they acted fo unadvisedly in their Councils, as to proceed upon Surmises, and to take upon them to do what they do but think they have a Right to, when indeed they have none at all. But doubtless Mankind will ever have a higher Veneration for those August Assemblies, than to think them as subject to be mistaken in these Matters, as one prefuming fingle Gentleman: But he argues for Liberty, the right of all Mankind: A Glorious Topick indeed, and worthy of the utmost Regard, especially from such great Asfertors of it as an English Parliament: But if People should ask for more than ever was their Due, and challenge a Liberty of acting every thing they should think for their own profit, though it were to the Damage and Injury of others; to grant this would be an Injustice, and a sinful Liberty may as well be pleaded for; fuch Expostulations as these are abo. minable,

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be civil minable, and to assume such an of his fa equality with our Superiours as was usselling never granted us, is an Arrogance that might rather have been expected is, as to po from an Irish than an English Man. to take up And after all this, 'tis not enough for do but this a Man to say, If the great Council when indee of England resolve the contrary, he shall But doub then believe himfelf to be in an Error, have a high and with the lowest Submission ask Parugust Assen don for his Assurance; and he hopes he em as subjet shall not be hardly censured by them, when e Matters,: at the same time he declares his Inten-Gentleman tion of a submissive Acquiescence in what-11, the right ever they resolve for or against: Such nous Topick Subjects as thefe (as I have said beneumon Re fore ) are beyond the Bounds of Mofuch great Al desty, and cannot admit of any such B Parliament Apologies.

He comes now to tell us, the Subue, and the jest of his Disquisition shall be, how far
gevery thin the Parliament of England may think
the Damag Affairs of Ireland, and bind up those
to grant it People by Laws made in their House.

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This is certainly a very odd frapleaded for
ting the Question: What need has
the now to enquire, since he knows
already

p. 4.

already, how far the Parliament of England have thought it reasonable to intermeddle? Another Blunder as bad as this, is his Talking of Laws made in their House: Doth he not know, that our Laws are not made without the Concurrence of Two Houses, and the Assent of the King also, as the Third Estate? But we will take his Meaning to be, to enquire how far it may be reasonable for the Parliament of England to intermeddle, &c. and join Issue upon that.

Next he gives us fix Heads, from which he undertakes to argue, that they can have no fuch power.

For the First, He pretends to give us the History of the first Expedition of the English into Ireland, his Design being to shew, That the first Adventurers went over thither (yet with the King's License) upon a private Undertaking, in which they were successful; but that afterwards, when King Henry the 2d came over with

p. 8. King Henry the 2d. came over with an Army, the Irish generally submitted to him, and received him to be their

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King, without making any Opposition, it reasonal from whence he seems to suggest er Blunder that Ireland subjected it self only to the of la King, but not to the Kingdom of Eng-Doth her land. But he should have considered, that the Government of England nce of I was a limited Monarchy, which was of the li fufficiently acknowledg'd, even by ate! But William the 1st. (commonly call'd to be, to the Conqueror) in his Swearing to be moon preserve the Liberties and Privileges Enlator of the People at his Coronation, and on the up confirming the same to them by his Charter; and though he did indeed Heads, in afterwards violate them in a greater argue, tha measure than ever they had been bepower. fore or since, yet neither he nor his retends to g Successfors did ever take upon theminf Expedin felves to be absolute Monarchs: The lad, his great Power and Prerogative of an That the English King then, can only be due thinker to them as to the Supream Magi-(e) upon aftrace and Head of the Kingdom, and hith the not in any seperate propriety annext erounds, to their Persons, as distinct from the ame over Common-Wealth. If then Henry the rally falm Second carried over an Army of Engm to he lish into Ireland, it ought to be confidered

p. 12.

fidered as the Army of the Kingdom; for it is held as a Principle with us, that no King of England may raise any Forces in this Kingdom, but what are allow'd to be the Forces of the Kingdom. I am not here arguing whether ever any King did or did not take upon him fuch an Authority, but 'tis sufficient for me to offer, that he could not by right, and according to this Authors own way of arguing, what may not be done of Right ought not to be argued, or brought into President; if our Rights have at at any time been invaded and usurp'd upon, this Nation hath had many Opportunities of Vindicating them, and we do not believe that what we enjoy at this day have been gain'd or Extorted from the Ancient Authority or Just Prerogatives of the Crown, but that they are due to us from the first Constitution and Time immemorial, and that fuch Violations which have been made upon our Constitution, by means of what was call'd the Conquest or otherwise, have been justly

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retriev'd; so that in respect of Matters which regard the Right and Authority of the Kingdom, we may judge according to what is visible, and without Controversie admitted at this day: The Right and Reason of Things ever were, and ever must continue to be the same; according to these Principles then, can it ever be admitted, that any acquisition obors own w tain'd in Ireland by an English Army, my not be do under the Conduct of King Henry be argued, the Second, could be appropriated to the King, distinct from the Kingbeen invad dom? We do indeed frequently find Nation hat in History, and we practice it no less the day in our Common Discourse, that the Eminency, to fignific things done unned from der his Authority and Conduct as Just Press Head and Chief, when it is never but that intended to be applyed to his Perthe first Co fon; for if I should say, the King of memorial,

England took Namure in sight of the hich have French Army, every Body would Infitution, know that I meant the Confederate all'd the Army, under the Conduct of King we been William took it: In like manner we fay,

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fay, such a King made such Laws, when indeed the Parliament made them: And if it will but be allow'd, that the Irish submitted to King Henry not out of fear to his Person, but for fear of his Army, I can make no doubt but that the Submission was made to him as King, and Head of the Kingdom of England, and not as Duke of Normandy. If he should lay stress upon their Submitting to the King and his Heirs; that can import no more than what the Words us'd at this day, to the King, his Heirs and Successors, do better explain.

p. 12.

The Second Argument is to shew, That Ireland may not properly be said to be conquered by Henry the Second, or in any succeeding Rebellion. I shall not dispute with him in how many differing Senses the Word Conquest may be taken, I will grant to him that Ireland was not Conquered by Henry 2d. in such a sense as to enslave the People, or subject them to an absolute Power, and yet for all that, the Word Conquest (meaning a forcible gaining) is much more applicable

fuch Law ament man at be allow to King Hea erson, but can make bmission w and Head ind, and not he should! mitting to t nat can impo ne Words us ng, his Hei t is to shew properly be si irv the Secon bellion. If in how m Word Com grant to Conquered nle as to bject them d yet for e (meaning ich more! plica

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plicale to Henry the Second's acquifition of Ireland, than to William the First's obtaining the Crown of England; he had a pretence, and came not to Conquer but to Vindicate his Right; he was encourag'd to come over, abetted and affished by a great Number of the People, who hated Harola's Government; he fought against Harold ( who was not generally confented to by the People as a Lawful King) and his Abettors, but not against the Body of the People of England; he pursu'd not his Victory like a Conqueror, but receiv'd the chief of the People that came to him with Respect and Friendship; they chose him for their King, he swore to conferve their Laws and Liberties, and to govern them as their Lawful Prince, according to their own Form of Government. On the other hand, King Henry had no fuch Pretence of Right to the Kingdom of Ireland; his Defcent was a prrfect Invasion; he was not call'd in by the People of Ireland, and his Business was nothing else than to Conquer and Subdue the King-

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Kingdom: 'Tis true, the People made no Opposition, but 'twas because his Power was dreadful to them; what's the difference between yielding to an Invader without fighting, or after the Battel, more than that one shews want of Courage, the other of Success? but are not both alike to the Gainer, when he hath got his point? The Irish made no Terms for their own Form of Government, but wholly abolishing their own, they consented to receive the English Laws, and fubmitted entirely to the English Government, which hath always been esteem'd as one of the greatest Signs of a Conquest: But if he will be satisy'd in what sense the People of that time understood it, let him but look again into his Giraldus Cambrensis, and see how he can translate the words, Hibernia Expugnata; and what's the Meaning of Qui firmissimis, fiidelitatis & subjectionis vinculis, Domino Regi innodarunt? But what may put it out of all doubt, that the Body of the People of Ireland made an intire Submission to the Kingdom of

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of England, in the Person of King Henry the Second, is his own Quotations; Omnes Archiepiscopi, Episcopi, & Abbates totius Hibernia, receperunt eum in Regem & Dominum Hibernia, jurantes ei & haredibus suis fidelitatem, et regnandi super eos potestatem in perpetuum, et inde dederunt ei Chartas suas. Exemplo autem Clericorum, pradicti Reges & Principes Hibernia, receperunt simili modo, Henricum Regem Angliæ in Dominum & Regem Hibernia, et sui devenerunt, et ei et Haredibus suis, fidelitatem contra omnes juraverunt. And in another, Nec alicujus fere in Insala vel nominis vel ominis erat qui Regia Majestati et debitum Domino Reverentiam, non exhiberet. And yet after he hath made these and more such like Quotations, 'tis strange to see the same Man come and fay, From what forgoes, I presume it appears that Ireland cannot properly be faid so to be Conquered by Henry the Second, as to give the Parlia. ment of England any jurisdiction over us. He makes out an entire Submission to the King of England, and yet allows

p. 10.

p. 17.

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lows no Jurisdiction to the Parliament of England. Let him shew us if he can, by what Right a King of England may take to himself a separate Dominion over a Country, brought into Subjection by the help of an English Army, so as that it shall be no way subjected to the Parliamentary Authority of England: But such arguing as this, must either render him very Ignorant of the Constitution of our Government, ( which I believe he would not be thought) or wilfully guilty of maintaining an Opinion destructive to the Rights and Priviledges of the People of England.

I think him very much out, in afferting the Rebellions of Ireland to be of the same Nature with the Commotions that have happen'd in England: However Historians may make use of the word Rebellion, to please the Party that's uppermost, yet there's an easie distinction to be made between a Rebellion and a Civil War; when two Princes contend for the Supream Government, and the Peo-

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ple are Divided into opposite Parties, they fight not against the Established Government of the Kingdom, the Dispute being no more but who hath most right to be in the supream administration of it: Or if the People find themselves opprest, and their Liberties and Properties invaded by their Prince, and they take up Arms to restore the Government to its right Basis; in both these Cases it may most properly be term'd a Civil War; and of these kinds have been the Ruptures in England which he instances: But if People who live in a fettled Commonwealth, where the Laws made or confented to by their Ancestors are in force, and Justice is duely administred, shall take up Arms to Oppugn the Legal Authority plac'd over them, to overturn the Government, and assume to themselves Liberties and Priviledges prejudicial to the Common Good, or to dethrone a Rightful Prince, who hath govern'd justly; this in its very Nature is a Rebellion. I am not ignorant, that all contending Parties pretend to

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to be in the right, and that they take up Arms justly, and none will own themselves Rebels, unless they are forc'd to it; but yet 'tis evident that there is a real Right and Wrong in these things, and there have been many Instances in which the Impartial World could easily judge where the Right lay. If it be not so, I leave it to this Gentleman to surnish the World with some other good Reasons, why the Old Irish and Ancient English have been so severely handled in that Kingdom.

His Third Inquiry is, What Title Conquest gives by the Law of Nature

and Reason?

Mr. Molyneux hath shewn himself a good Advocate for the Irish in what forgoes, but if he had been a General in the Irish Army, I see not what more powerful Arguments he could have chosen, to stir them up to sight Valiantly against the English; than by telling them, as in effect he doth here, That the first Invasion of the English upon them was altogether unjust; that Henry the second was an Agressor and Insulter, who invaded

p. 18.

that the invaded their Nation unjustly, and with none his Sword at their Throats forc'd them desther into a Submission, which he could never evident of thereby have a Right to; that Posterid Wrong ty can lose no Benefit by the Opposition have which was given by their Ancestors, the lim which could not extend to deprive them judge wir of their Estates, Freedoms, and Immuon fo, Il nities, to which all Mankind have a funish Right; that there is scarce one in a er good & thousand of them, but what are the hand An Progeny of the ancient English and lo level Brittains: If the Irish were Conquered, n their Ancestors assisted in Conquering What Ith them, and therefore as they were descendn of Natured from these Old English, they could never be subjugated or brought under newn him the Modern English. This is the Subhibin france of his own Discourse, and acen a Gent cording to his own Notions of the ot what m Freedoms and Immunities to which all e could h Mankind has a Right, he might have fight Value told them in consequence, that 'twas an by tell their Duty to exert their own Rights and Liberties, expel the English out of the Nation as Invaders, and make themselves and their Posterity as free Infaller, as any of the rest of the Sons of Adam. 17748

p. 22.

p. 24.

p. 20.

p. 19.

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հփհ 11 Any one may judge of this Gentleman's Discretion, by his publishing fuch Notions as these among the Irish, with whom perhaps they may be taking, but the People for whom he designs his Discourse won't be so eafily caught with his Sophistry.

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p. 25. He grants us, that the Practice of the World may not come up to the Rectitude of his Doctrines, but he is inqui. ring what Right they have to what they do practice. Well we have the World of our side at least, if after a Possession of above 500 Years, we don't now much trouble our felves to inquire what Right Henry the 2d. had to Invade Ireland with an English Army, I wish I could find out the Posterity of those O's or Mac's, that were heretofore the rightful Possesfors of the Lands which this Gentleman now enjoys in Ireland, and which they never parted with for any Valuable Consideration; only to see, whether he would fo much outdo the rest of the World, as to practice his own Principles, and very fairly give up his Lands to them, as to the right But Heirs at Law.

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But to Dispute a little with him about this Matter: The End of all Government is for the Benefit of Mankind, many Nations have been subdued and conquered for their own good, and whoever hath been an Invader that way, hath done them Right and not Wrong: So did the Romans, Conquer People from under the Power of Tyrants and Oppressors, Barbarism and Ignorance, to make them Members of the best and freest Government in the World, and to Civilize them into good Manners and Useful Arts; and thus is Henry the second's Invasion of Ireland to be justify'd and commended: He began to rescue the People from the Oppressions and Violences of their own wild Princes, and the Blood and Rapine to which they were frequently expos'd, upon every Quarrel and Invasion of so many Petty Monarchs, and from which in process of time they were totally delivered by the Authority of England: He gave the People the English Laws, constituted Parliaments, and the English Form of Government,

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vernment, to this, by his own Confession they freely submitted, and doubtless they were convinced that 'twas for their Good: But no History tells us, that he reserved not the Direction of the State to England, and constant practice all along shews the

contrary. His plaufible Arguments for the Liberty and Right of all Mankind; that Conquests cann't bind Posterity, &c. are wholly misapply'd in this Case, and he abuses Mr. Lock, or whoever was the Author of that Excellent Treatife of Government, in referring to that Book on this occafion; for that Worthy Gentleman doth therein argue the Case of People whose just Rights are violated, their Laws subverted, and the Liberty and Property inherent to them by the Fundamental Laws of Nature, (which he very accurately describes) is invaded and usurp'd upon, and that when this is as Evident and apparent as the Sun that shines in a clear day, they may then take the best occasion they can find to right

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right themselves. This is a Doctrine that all good Men may affent to. but this is in no wife the Case of Ireland; they did as he owns receive (and 'twas to their own Advantage) the English Laws, and swear Fealty to the King (that is, to the Government ) of England, and did reciprocally receive from him the Priviledge of being admitted to be free Denizons of England, whereby they evidently gave up themselves to be incorporated into, and become Members of the English Empire; and to this day they remain to enjoy the Liberties and Priviledges of Freemen of England; unless there happen to be such as have forfeited the same according to the Municipal Laws of the Government; but he endeavours to evade the possibility of their Forseiting, by fuggesting as if they were to be considered as a Different, Contesting Nation: And therefore, 'Twould be unreasonable to put the Municipal Laws of particular Kingdoms in Execution between Nation and Nation in the state of Nature. If a Nation that

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once was distinct, consent to imbody itself into the Government of another that is more powerful, receive it's Laws, and submit to its Constitution without reserve, may they ever after be lookt upon as in the state of Nature, or shall they not rather be esteem'd as a Member of the greater Body, and be held to obey all fuch Ordinances as are calculated for the Good and Welfare of the Whole? If after this, without any Breach made upon them on the part of the Greater, they shall endeavour to withdraw themselves from the Subjection they have fworn to, and shall take up Arms, and commit Hostilities upon their Fellow-Subjects, may not this be called a Rebellion in a settled Common-Wealth? and have not the Municipal Laws of the whole Empire brought them under the Forfeiture of Life and Estate? doth the being separated at a small or greater distance by Sea, (as Islands must be) seperate them from continuing Members of the Common-Wealth to which they were once join'd? If these

[33]

to imbo these things are to be brought in of anoth Question, the English of England and receive i Ireland both, must have much to Constituti answer for to the Ancient Irilb. Yes ley ever I am in no doubt but that the English the have so fairly administred the Government, as that they can well juthe gu stifie themselves in all the Severities to obey that they have been forc'd to exercalculated cife upon the Irish, as justly drawn the Whit upon themselves by reason of their Brachta Rebellion: Have we not always of the Gra own'd them to be Freemen of Engto withdra land, and allow'd them the same jedion the Privileges as English Men? have they ll tak of not been permitted to exercise all Offimins up ces, Ecclefiastical, Military, or Civil, my mit with the fame Freedom as English fettled Co Men? If since the Reformation, the not the M Roman Catholicks have not been sufferhole Emped to act in the Government, have he Forfell not the Roman Catholicks of England the be been as much restrain'd? Nay, have greater not the Irish been much more inwealth England? These Treatments towards joind them, have given no Occasion to this

մոկ։ **11**  Author to trouble himself so much, in inquiring into the state of Slavery, and the Terms that Just or Unjust Conquerors may or may not use,

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The Premises considered, methinks he should grant us that some of the Disturbances the Irish have given us, at least the Massacres committed upon their Fellow Subjects, (of our own Blood) should not be reckon'd as fair warring between Nation and Nation; but that they might very well be accounted as Rebellious; and why may not our subduing them, give us the Title of Rightful Conquerors over them? and if upon fuch delinquencies we had abridg'd their Posterity in some of those Privileges granted to their Ancestors, upon their first coming in to us in Henry the Second's Time, we had done no more than what he owns Conquerors commonly do: And yet we have not put any fuch hardship upon the Posterity of those People, for the fault of their Rebellious Fathers; I know not that any Irishman, quate[35]

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quatenus an Irishman, is at this day deny'd any of the Privileges that an Englishman can challenge; if he be a Delinquent, or a Roman Catholick, he is us'd no worse than all English. men that are in the same Circumstances: If we have slain, executed, or banish'd the Persons of those that ommitted have been actually in Rebellion, and ects, (of feiz'd their Estates as forfeited, this is no more than what he himself Nation hath taken pains to prove may be done by the Laws of Nature, or the Municipal Laws of Kingdoms:
Where's then any room for Complaint, or reason for his Elaborate
Arguments, on a Subject that does had abid not concern us?

The Author by faying so much

that directly reflects upon what hath gin to the been acted by the English in Ireland, fine, we hath given me the Trouble to say what he of thus much for the Vindication of do: And them (and among the rest, I suppose fuch hard his own Ancestors) in their Conduct those Peoptowards the Irish, and to shew how Rebellious well they have kept to the Origiany hilm nal Capitulation on their part: But

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I cannot end this Head without takeing Notice of his Remark, that Even a fult Conqueror gains nothing over those that conquered with him, and fought on his side: Why should he trouble the World with Arguments, to establish a Position that no Body ever deny'd. But if the Progeny of the Old English, that serv'd under Henry the Second in the Conquest of Ireland, have fince joyn'd with the Native Irish in any Rebellion against their Mother Country, their Crime is greater than that of the Irish; and vet would he have us still treat them as Conquerors of our fide, when they are fighting against us? Certainly this must forfeit all the Regard that was owing to them for the good Services of their Ancestors, and justly entitle them to the same Treatment that is due to other Rebels. for all this, If he or any Body else (as he proposes) claims the like freedoms with the natural born Subjects of England, as being descended from them: I know no body that will deny them to him, if (as I said before) he be

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of Capacity, and qualified as the Law now requires: He may come here, and even be a Member of our Legiflature, (if he can procure himself to be chosen ) as many others of that Kingdom always are: And let him for ever hereafter remember, that we receive them, and treat them all as equal Members of the same Body with our felves; and if it be at any time requisite for the good of the whole, that we should Enact any thing binding upon Ireland, we do it not in respect of their Persons, but in regard to that part of the Empire they live in; and if I my felf (or any other Englishman) should think it for my Interest to become an Inhabitant there, I must be as subject to it as he is.

His Fourth Proposition is, If a Conqueror just or unjust, obtains an Absolute, Arbitrary Dominion over the Con quered, so as to take from them all that they have, and to make them and their Posterity Slaves; whether yet if he grants them Concessions, bounding the Exorbitancy of his Power, he be D 2

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not obliged strictly to Observe those Grants?

I have shewn before, that he had no reason to aggravate the Question to such Extremities in our Case, because we have never pretended to exercise so Arbitrary a Power over

the People of Ireland.

p. 28.

p. 29.

He goes on then, To shew by Precedents, Records and History, What Concessions have been granted them; by what steps the Laws of England came to be introduced into Ireland; he would prove, that anciently the Parliament of England was not thought to have any Superiority over that of Ireland: And gives his Answers to what Objections are moved upon this Head. But I believe we shall find this as little to the purpose as the former.

He might have spar'd his pains in taking up so many Pages to convince us against all Objections, that Hemy the Second did establish the English

Laws and Form of Government in Ireland; that he gave them a Modus

p. 30. tenendi Parliamentum; that an Exp. 32. emplification of it made in Henry the

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Fourth's Time was extant; Nay, that They believe they have found the very Original Record of King Henry the Second, and to give us so ample an Account through whose Hands it hath pass'd; it may be really so, or may be not so, for all its Venerable, Ancient Appearance, we can conclude with no more Certainty than he leaves it, only we may believe from the Credit of the Arguments produced by his Nephew, Samuel Dopping's Father, the Reverend and Learned Doctor Dopping, late Bishop of Meath, that this old Modus was found in the Treafury of Waterford, by my Lord Longford's Grandfather. My Reader may perhaps think me as impertinent in this Repetition, but I do it to shew that I have in this abbreviated about Nine of his pages, which offers no more of Argument to the Matter, than that Henry the Second fettled the Kingdom of Ireland under the very Same Constitution of Government with England; and this we should as readily have granted as he could have propos'd; and 'tis sufficiently to our pur-

p. 35.

p. 36.

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purpose that he hath abundantly prov'd; That all Ranks and Orders of p. 37. the Irish did unanimously agree to submit themselves to the Government of the King of England; That they did thankfully receive the Laws of Eng. land, and swear to be governed thereby; and I know not what hath releas'd them from any part of that Obligation to this day, himfelf owning, that There cann't be shewn a more

p. 38. fair Original Compact, than this between Henry the Second and the People of Ireland, and we have defired no more from them, than that they should con-

tinue to be so governed.

He tells us, It is manifest, that there were no Laws imposed on the People of Ireland, by any Authority of the Parliament of England, nor any introduced by Henry the Second, but by the Consent and Allowance of the People of Ireland, and that both the Civil and Ecclesiastical State were settled there, Regiæ Sublimitatis Authoritate; not only this, but the manner of holding Parliaments also, to make Laws of their own, (which is the Foundation and

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Bulwark of the Peoples Liberties and Properties) was directed and established there by Henry the Second, as if he were resolved, that no other Person or Persons (hould be the Founders of the Government of Ireland but himself, and the Consent of the People, who submitted themselves to him against all Persons

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Was it fit for the King to have carried a Parliament about with him? or because he had not a Parliament there, must it follow therefore, that their Authority could never have any concern in what was done? The King was now abroad with the Forces of the Kingdom, and 'tis not to be suppos'd, that his own Authority was not sufficient to make Terms with the Enemy if they submitted; we do not pretend that the Power of our King is limited at that rate, yet whatever Submission is made to his Person on such Occasions, is doubtless virtually made as to the Supream Authority of the Kingdom, and that I believe every Body will allow to be in our Constitution, the King, Lords

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Lords and Commons, in all whom the Legislature resides, and not in either separate from the rest. The King may be said to be vested with the Power of the whole, in the Civil and Military Administration of the Government, and yet whatfoever is acted or acquired under his Authority as King of England, must doubt. less be esteemed to be for the Account of the Nation, and not in any Propriety peculiar to himself. To talk then, As if the Parliament had nothing to do in this Transaction, and that King Henry the Second afted in it as if he were resolv'd that no other Person or Persons, should be the Founders of the Government of Ireland but himfelf, is Language not becoming an Englishman; and I wonder that this Author could have so little Sense of what he was about, when he faid this; for in the very next Paragraph (but one) he gives us an Instance, which shews beyond all Contradiction, that King Henry himself had no fuch Opinion of his own Seperate Authority.

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And now he comes to the Matter, and tells us, that King Henry about the 23d. Year of his Reign, and five Years after his Return from Ireland, creates his Younger Son John King of Ireland, at a Parliament held at Oxford; and that by this Donation Ire- p. 40. land was most eminently set apart again, as a seperate and distinct Kingdom by it self from the Kingdom of England, and did so continue until the Kingdom of England descended and came unto King John, after the Death of his Brother Richard the First, which was about 22 years after his being made King of Ireland; during which time, and whilst his Father and Brother were successively reigning in England, he made divers Grants and Charters to his Subjetts of Ireland, wherein he stiles himfelf Dominus Hiberniæ, and in some Dominus Hiberniæ & Comes Meritoniæ; by which Charters both the City of Dublin, and divers other Corporati-Infan ons, enjoy many Privileges and Fran-Contradid chises to this day. self had n Sepera

We know that divers of our Kings have at feveral Times granted out Parcels

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Parcels of their Dominions to their Sons or Subjects, and endowed them with many Royal Privileges, yet al. ways as Feudatories of the Empire, after the same manner, so much anciently practifed in most Kingdoms of Europe; fuch have been in England, the Principality of Wales, the Counties Palatine of Chester, Lancaster and Durham, and what was much lefs considerable than these, the Isle of Man. was given with the Title of King in Man, (which was more than King John had) which continues in the Earls of Darby at this day. In like manner also have Proprietoryships been granted to the Settlers of Colonies in America in our time; and fuch and no other was this Grant of King Henry the Second to his Son John; but what is very remarkable in this Case, is, that this Grant was made in Parliament. Did ever Man so expose himself in Print? what he hath been endeavouring to prove, is, that the Irish were never fo conquered by Henry the Second, as to give the Parliament of England any Jurisdiction over them, and yet here

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here he tells us, that this same King Henry created his Son John King of Ireland, in a Parliament at Oxford; which to word it in the Stile of this time, is to fay, that about the twenty third Year of Henry the 2d. an Act of Parliament was made at Oxford, by which John, the younger Son of the said King, was Created King of Ireland. Is it possible to think upon a greater Instance, in which the Authority of a Parliament over a People can be exerted, than this of creating a King to rule them, and that without ever asking their Consent? and is it not plain from this, that King Henry himself did never esteem the Submission of the Irish to have been made to him in respect of his Person, (according to this Author's New Doctrine ) but in respect of the Kingdom which he govern'd? otherwise, why did he not make a King of Ireland by his own Authority, rather than thus eclipse his Power and Right, (if he had it ) by submitting it to be done in Parliament? and I think if I should

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should stop here, and give my felf no further trouble, to trace him through the rest of his tedious, tho' shallow Arguments, all impartial People would be fatisfied in these Four Points, That the ancient Irish did intirely submit their Nation to become a Member of, and be united to the English Empire; That the Parliamentary Authority of England hath ever obtain'd over all the parts of its Dominions; That they have exercis'd this Authority over Ireland even from its first Union to this Kingdom; and, That the Irifb understood their Submission in this sense. and paid Obedience to this Act of an English Parliament without regret. But fince I have undertaken it, I must go through with him.

This Creation however, as barely mention'd by him, is not Authority enough for Mr. Molyneux to conclude positively, that, By this Donation Ireland was most eminently set apart again, (he seems then to grant that 'twas at first united) as a separate and distinct Kingdom by it self from the

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the Kingdom of England. He produces no Record for this, nor any authentick Authority; what he offers like Proof for this perfect separate Regality, is only the granting Charters whilst his Father and Brother were reigning, but that's no more than what hath been commonly pra-Elic'd by other Feudatorys, and proves nothing of John's having an absolute independent Jurisdiction. But he attempts further, and tells us, The very express words of the Irish Statute, p. 41. 33 Hen. 8th. C. I. by which the Style of Dominus was chang'd to that of Rex Hibernix, are, And he ( meaning K. John ) being created King in the Parliament at Oxford, under the Stile and Title of Lord of Ireland, enjoy'd all manner of Kingly Jurisdiction, Preheminence and Authority Royal, r, as bare belonging unto the Imperial State and Author Majesty of a King.

Hitherto I have not disputed any this Da of the Authorities quoted by Mr. minently Molyneux, but here he must Pardon nen to gri me, if I tell him, that if this will pals for an Authority in Ireland, yet

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it will not with us: 'Tis only an Irish Act of Parliament, made as late as Henry the 8th's time, that prefumes that K. John did enjoy all manner of Kingly Jurisdiction, &c. without referring to any Record that was extant for proving that Affertion: So that this Irifb Act of Parliament is at most but a Presump. tive Authority, and therefore he ought not to think that we can be fo far impos'd upon, as without better Proof than fo faying, to grant that King Henry the fecond, and King Richard the first, disclaim'd all Title to the Dominion and Regality of Ireland, as if the same had been abfolutely, without any refervation, vested in King John: Besides, even this Act of Parliament does not use the words Absolute and Independent.

But after all, though none of these Proofs will stand good on Mr. Molyneux's side, I'le shew him, that this whole Business undeniably proves on t'other side, that King John could at best be made no more by this Donation than a Feudatory Kingly

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Lord, as I have faid before. Mr. Molyneux hath told us, that King John in his Charters could not use any higher stile than that of Lord of Ireland; can any Body believe, that a Prince wholly and seperately vested in a Dominion and Regality, absolutely granted unto him without any Reservation, (as he fays King John was) would content himself with any lower Title than that of King, unless he had been limited in it by a Superiour Authority? and was not that like to be this Act of Parliament? Can an Act of Parliament be faid to make a King absolute and Indedendent, when at the same time it keeps a refervation of the Title? Is not this an Evident Demonstration, that they would not suffer him to be Independent, but that they laid that restraint upon him, to shew, that they would always retain in England the Supream Imperial Power over Ireland? How does Mr. Molyneux know what Homage, Rent, or other Reservations were made? doubtless all the Records touching it are lost, and I presume, he

P. 413

he has nothing stronger for this pofitive Affertion of his than the Old Historians, Gir. Cambrensis, Rog. Ho. veden, Mat. Paris, &c. and they don't make out this Absolute Independent Title, without any manner of Refervation: Is it Sense, to think that a People should conquer, or intirely fubdue a Countrey to themselves, plant a Colony there, and then but five years after give it clear away again, never to have any thing more to do with it? I would fain know what Regalia were granted to this absolute King: The Kings in Man may wear a Leaden Crown, I'm afraid King John was still but a Lord in that respect too, and that he had no Crown at all given him, else sure Mr. Molyneux, if he could have found any, would have told us on't. But what's worse than all this, is it posfible for one and the same Man to be both an Independent King and a Subject, at one and the fame time? It feems this Donation was not fo absolute, but that he was still to continue a Subject (as indeed Feudatories

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ries must to the Sovereignty to which they belong ) to Old England, and after all his absolute Kingship, 'twas his Misfortune to be try'd by his Peers, (not as King of Ireland, but) as Earl of Morton, who found him guilty of High Treason, and accordingly he was condemn'd, but at the Intercession of the Queen their Mother, King Richard gave him his Life. I doubt this was enough to loose his Independent Title to the Kingdom of Ireland for that time, unless Mr. Molyneux can find him out another Creation, which I believe could not be without another A& of Parliament; but there happen'd to be no need on't, for as he succeeded to the Crown of England, Ireland came in again well enough in our Sense. Yet further to put this matter out of all doubt, 'tis a Maxim not to be disputed, that the Authority which grants, must always remain Superiour to that which receives the Grant, and therefore the Feudal Law determines that Homage and Fealty is inseparably annext to all fuch

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fuch Grants: And though Mr. Molyneux professes himself very well Learn'd in The Laws of Nature, and p. 117. Reason, and Nations, and the Civil Laws of our Common-wealths, yet it feems he is altogether unacquainted with this Feudal Law; and if he had been but as well read in the Practice of the World as to these things, he might have been convinc'd, that the many Feudatory Princes still remaining in Europe, are not exempted from this Dependance: The Princes and Hans Towns of the Empire, if they are by length of Time grown up to a higher degree of Sovereignty, and do not so immediately depend upon the Emperour, who in his private Capacity was but Arch Duke of Austrea, &c. and but one of the Eight Electoral Princes, yet they are still subject to the Supream Legislature of the Empire, and the Imperial Avacatoria reaches them: And thus we fee, that how great foever that Jurisdiction was, which the King in Parliament granted to his Son John, he yet remain'd no more than a Subject

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ject of the Kingdom of England, and was treated accordingly, in his being Try'd and Condemn'd by the Laws thereof. Moreover it may be noted, that upon his accession to the Imperial Crown of England, whatever Feudatory Royalty he had before, became now merg'd and extinguish: in his own Person, which by reason of it's being Head and Supream, could not at the same time be capable of any Feudatory Subjection; fo that there was an absolute determination of the Former Grant, which could not again be revived but by a New Donation upon another Person. I hope I have now fo far remov'd this main Pillar of Mr. Molyneux's Stru-Aure, that I may take the Liberty as often as I shall have Occasion hereafter, to deny politively, that King John was ever made absolute King of Ireland, without any Dependance on England.

Here Mr. Molyneux had brought his Argument up to a pitch, and concluded us under a perfect real Seperation, and thus he puts it up-

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on us; let us suppose, That King Richard had left Issue, whose Progeny had governed England, and King John's Progeny had governed Ireland, where then had been the Subordination of Ireland to the Parliament, or even to the King of England? Certainly no such thing could have been then pretended, But this is but a Supposition, and fit for none but People of his fize; who take up Matters by Appearances and Prefumptions, and affume the Confidence from thence to be pofitive in their Affertions, giving no allowance for the possibility of being mistaken: But we need not suppose in this matter, but may be confident, that the Supream Authority over Ireland must always have continued in the Kingdom of England, as it does at this day, and he hath made nothing appear to the contrary. De non apparentibus, & non existentibus, eadem est ratio.

Yet I cann't but remark how he enjoys himself in this Supposition, when he thought he had gain'd his Point; Where then had been the Sub-

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ordination? if any such there be, it must arise from something that followed after the descent of England to King John; for by that descent England might as properly be subordinate to Ireland as the Converse, because Ireland had been vested in King John twenty two Tears before his accession to the Crown of England; Tes, and 'twas the

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Is it likely that King John, who had not before thought fo well of his Kingdom of Ireland as to make it his residence, but chose rather to remain where he was but a Subject, when he was now become a real King of England, should be so far taken with the Fancy of the ancientest Kingdom, (if it were so) as to put the greater, and by many degrees the more powerful, more pleasant, and more civiliz'd Kingdom, in fubordination to the less, which was then of no Power or Consideration in the World? and that he should be better pleas'd with the Stile of Lord of Ireland, and King of England, than that of King of England, and Lord of E 4

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of Ireland? or is it likely, that England who in that very Age had subdued Ireland, and added it to its Empire, should now be contented to submit it self, and become subordinate to Ireland, so as that the Administration of the Government there should direct the grand Affairs of England? is not this perfect Jesting and Fooling with Argument?

p. 43.

·But he tells us, If perhaps it will be said, that this Subordination of Ireland to England, proceeds from Ireland's being annext to, and as it were united with the imperial Crown of England, by several Acts of Parliament in both Kingdoms, fince King John's time: This is well acknowledged, for it makes out clearly, that Ireland is a Kingdom as firmly united to the Kingdom of England, as the Legislature of both Kingdoms could do it: If he would yet distinguish between the Imperial Crown (as his words are ) and the Kingdom, I have shewn before how there cannot be any fuch distinction in England. But though in the former Passage of John's being created

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fohn's bein create created an Independent King by Act of Parliament, he shews himself to be quite overseen and blinded, by his depending so much upon it through the rest of his Argument; yet he perceives plainly, that a fair Inquiry into this Annexing, will not turn to account for him, and therefore although he is not wanting to be very particular and exact in his Numerous Quotations of other Authorities, yet here he is cautious of imparting any further Light into this matter, than just to tell us, there are several fuch Acts of Parliament both in England and Ireland: Surely these English Acts might be faid to be binding upon Ireland, and therefore too they must be conceal'd, and we shan't have one Word of them anon, when he pretends to reckon up all those Statutes that the English Parliaments have made to affect Ireland: And I cann't find that he meddles with it any more, tho' he fays, that He (ball enquire more fully hereafter how this operates: But for the present he only tells us, That he conseives little more

p. 44.

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is effected by these Statutes, than that Ireland shall not be alien'd or seperated from the King of England, who cann't bereby dispose of it otherwise than in Legal Succession along with England; and that whoever is King of England, is ipso Facto King of Ireland, and the Subjects of Ireland are oblig'd to obey, &c. Doth not this strongly affert the Parliamentary Authority? If he had faid, that it should not be alienated or separated from the Kingdom, he had spoken English, and set the matter right; but if he will insist upon so fine a Conceit, as to divide between the Political Capacity of the King, and the Kingdom, if it be not bad English, is however Language that cann't be understood in England.

p. 44.

Now he tells us of King John's going again into Ireland, about the Iwelfth year of his Reign of England, where above Iwenty little Irish Kings did again do Homage and Fealty to him, and he constituted the English Laws and Customs among them, placing Sheriffs and other Ministers, for the Administration of Justice

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than he stice to the People, according to the Eng-Sepen lish Laws. This is a further Proof of the intire Resignation and Submission of the Irish to the Government of England England. He goes on, King Henry p. 45. Englan the Third, his (King John's) Son, land, i in the first year of his Reign, granted chiel to Ireland one or two Magna Chars from ta's, (but he owns that 'twas) by Authorit the Advice of his English Privy Counold not cit. Let it again be Observ'd, that the king this King did not transact this Matter by any seperate Authority, but will in did it in his Privy Council, which is to divid exactly according to our Constituchyofth tion, and that being the same Mefiben thod in which all the Administra-Langua tion of the Government of the Kingin by dom of England was directed, it shews that those Kings govern'd Ireland in no other Manner than as a Fohn's goil Member of the English Empire. Twelfth 191 phere abn

We agree with him, that all the Rights and Liberties of English-men were granted to the People of Ireland, that they had the Privilege of holding Parliaments, and in short, that they had a Compleat Jurisdiction

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and Form of Government fettled and allow'd to be exercis'd among them, as far as was requifite for the wellgoverning and regulating the particular Management of the affairs of so considerable a People, that were now become a Member of the English Empire, and were seperated by Sea from the Seat of the Supream Government: Yet all this must be understood to be no otherwise than in Subordination to the Supream Authority of England, which is Evident, not only from the Reason of the thing, but also from the Practice that hath always been Observ'd. Can it confift with Reason to believe, that any powerful Government should subdue another Nation much inferiour to them in strength, place a Colony of their own people among them, make them Denizons and endow them in all the Privileges of their own Subjects, and yet because they gave them their Laws, and constituted the very same Manner of Government among them as was exercis'd by themselves, that therefore they

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they could not be in any Subordination to the Kingdom that thus far fubdu'd and fettled them, but must the we ever after be esteem'd as a People the par fixt upon a diffinct Foundation, and as much seperated from them as they that w were in the state of Nature? Sure f the Er this is too absurd to be insisted on. But the constant practice which hath Supra been us'd in the Administration of s muft that Government, from the first times wife th of their becoming a Member of our pream A Empire, shews that the Kings of Engis Eviden land did never treat them as a Proprieon of th ty of their own, and distinct from the ctice tha Turisdiction of this Kingdom; were Can not these Magna Charta's (as his own lieve, the Authorities prove ) given with the hould for Advice of the Privy Council of Enginferio land? and have they not always had a Color Governours sent them from hence, ng the whether under the Title of Lords d endo Lieutenants, Deputies, Justices, Preof the fidents or otherwise, and that not ause th by the King alone, but nominated nd conf in the Privy-Conneil? and have not er of G these Governours been accountable was e to our Parliaments for any Male ad. therelo mini-

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ministration there. All the prime Motions and Supream Managements of their Government, are likewise confulted and directed by the King in his Privy-Council here, such as the Calling, Proroguing, or Diffoly. ing of their Parliaments, and the Approving all their Acts, the Sending over and Establishing what English Forces shall be kept there, the Appointing all Officers Military and Civil, &c. Is this like a Separate Kingdom, an Independent Government, or a Neighbour Nation as free as in the State of Nature? Can any Man be 10 ignorant as to maintain, that the Privy Council of England may have Authority, where the Supream Legiflature, the Parliament, hath none? Doth this leave room to fay, that England and Ireland, though govern'd under one and the same Supream Head, yet are as seperate and distinct in their jurisdictions, as are the Kingdom of England and Scotland at this day? The Privy-Council of England never intermeddle in the Bufinels of Scotland, the King transacts the affairs of that Kingdom through

P. 55.

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through the Hands of the Scotch Secretaries, who always attend him in re liker England; the Royal Family of the y the Ki Stuarts were their Lawful Kings, and ere, fuch when our King James the First sucor Diff ceeded as Right Heir to the Kingand the dom of England, although he remov'd the Sand his Residence hither, because this was hat En the much more Considerable Kingre, the dom, yet no alteration could theretary and by be made upon their Jurisdiction, eparate II but the Constitution of their Govern-Governme ment remain'd as entire within themas free a felves as before; but this Author himany Man felf hath sufficiently made out, that n, that if the Accession of Ireland to England may he was in such a manner, as totally abopream le lish'd their former Constitution, (if hath no they had any ) and subjected them w, that to become a Member of the English overn'd an Monarchy.

Heat, you - I think I have faid enough of these Matters already, to set them in a truer of Engl Light than this Gentleman hath re-The Presented them, and shall not give intermed my self the Trouble to Remark dithe W vers other Passages which result from the same Erroneous Way of Arguat Kingdi

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ing, nor to meddle with his long History of what English Laws, and in what manner they were introduc'd into *Ireland*, more than to argue some few Points with him.

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He fays, If we now enquire what were those Laws of England that be. came thus establisht in Ireland? Surely we must first reckon the great Law of Parliaments, &c. Is it not the highest Sanction of the Parliamentary Authority, that all the Subjects of the Empire must obey its Supream Decrees? In receiving then this great Law of Parliaments, were not the People of Ireland for ever obliged as well as to all its former Statutes, fo also to whatever it should for the future enact, concerning the whole Empire in which they now became comprehended? But Mr. Molyneux means that Law whereby all Laws receive their Sanction, The free Debates and Consent of the People, by themselves, or by their chosen Representatives. His drift in this is to perswade us, that because it was granted to Ireland to hold a Parliament within themselves, by their [65]

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their own Representatives, that therefore they ought not to be in any Subjection to the Parliament of England, wherein they have no Representatives; and 'tis upon this Point that he mightily values himself in much of his after Discourse, yet he cann't tye this Knot fo fast, but that it may well enough be undone: This Parliament of theirs could not be granted them further than for the managing their own Affairs among themselves; but the Supream Legislature of the whole Body must be permanent and fixt in its Head, according to the first Constitution, and cannot be divided or granted away to any Member or Members of the Body: Can any thing grant away it felf? A Father may grant his Son a great deal of Liberty, but he can never make any grant to divest himfelf of his paternal Relation. But Mr. Molyneux can have no Notion of Liberty, if a Man may be bound by Laws whereto he hath not given his Confent, by either himself or his Chosen Representative: A little Distinction now will make us agree this Matter; 'Tis yet no Oppression upon him, if

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he neglects to constitute a Reprefentative, when the Privilege of doing it is not taken away from him: If a Man go abroad, and fray many years out of his own Countrey, shall he not be bound by the Laws made by the Community in his absence, because he gave no Assent, neither in his Person nor by his Representative? In like manner if a Colony be settled abroad, shall not the Legislature of their Mother Countrey bind them, if they think fit to Enact concerning them, because they had no Representatives in it? Yes, very reasonably, for that they are still Fellow-Subjects of the Community, and if they are permitted to live abroad for their Convenience, the main Body of this their Mother Country must not be hindred from acting what they shall find necessary for the Common Good, because of their absence, even although it should respect themselves; and this without depriving them of any their Just Rights, because their Liberty and Privilege still remain'd to them of choosing their Representatives [67]

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tatives to the Supream Legislature, and they might have exercis'd it if they had stay'd at home, and may again, whenever they'll please to come in place. They have indeed an Authority delegated to them from the Head, to Enact such Laws in their Settlement, as may be requifite for the Circumstance of that place, but no fuch Privilege can ever be extended to rescind and abrogate their Allegiance and Subjection to the Head of the Empire: But I shall come to Enlarge further upon this by and by. And now to go on with Mr. Molyneux:

He speaks of two Acts made by the Parliament of Ireland, viz. 10th. Hen. 4. and 29th. Hen. 6. wherein it was Enacted, That the Statutes made in England should not be of force in that Kingdom, unless they were allowed and published there by Parliament. It is not impossible, but that in those days there might be some People there who were of this Gentleman's stamp, for assuming as much power as they could, right or wrong, if they

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could but colour it under the specious pretence of their Ancient Rights and Privileges; and they might think the Reigns of those two Princes a Favourable Conjuncture for such an Attempt. The first of them got the Crown of England by his Sword, and manag'd things as imoothly and eafily as posible, and perhaps never thought himself so secure as to exert the utmost Authority of his Government, on every Occasion that might offer. Henry the Sixth was a weak Prince, govern'd and manag'd at different times by the two Factions of York and Lancaster, from whence arise Civil Wars, and his own Depoling: A better time could never happen, than during the Troublesome Reign of this King to attempt fuch Innovations. But what if the Parliament of Ireland did enact a Law, derrogating from the Authority of the Parliament of England, could this abate any thing of that Right which England had before? But 'tis plain, that if they did any fuch thing, they did but think that English Acts of Parliament [69]

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liament could not in any case bind Ireland; for 'tis certain, both from the Reason of the thing, and former Practice, that in some Cases they might and did, and even in the Second Year of this King Henry the Sixth, (as he quotes it) the Staple Act, exprefly naming Ireland, was made; furely the Parliament of England must consist of much more Considerable Men than the Parliament of Ireland in those days could, and they were most likely to know best what they had to do: And it seems as if the People of Ireland themselves had no Opinion of the Validity of these invalidating Acts, in Mr. Molyneux's Sense, because they did not plead them in Bar of the Staple Act, in the Case of the Merchants of Waterford, which he gives us hereafter. There is yet much more reason to believe, that these Statutes were made on the very Occasion which he hints, to remove Scruples, or satisfie the Judges in relation to some Laws for the administration of Justice that were extant in England, and they F 3 might

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might have fome doubt, whether they ought not also to obtain there, fince the generality of the English Statutes were reciev'd in Ireland, and therefore the Parliament of Ireland for the clearing any fuch difficulty for the future, might possibly declare that fuch Statutes were not of force there. 'till they had been establisht by them. And I may eafily grant him, that the End and Intent of the Institution of a Parliament in Ireland was, that as they were separated from England by the Sea, they should have Authority to make and adapt Laws among themselves, suitable to their own Circumstances, and fit for the well-ordering of the Affairs of that Kingdom; and therefore the Parliament of England did not think fit to impose upon them such Laws as were from time to time enacted, suitable to the Occasions of the Realm of England, but left the People of Ireland at Liberty to choose or refuse such as they thought fit; and from this Reason it must be, that so many of the English Statutes as he instances, have been introduc'd into Ireland, by passing

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passing them into Laws in their own Parliament. The generous English Constitution doth not impose any Laws of this Nature, or for raising Taxes upon any of the Subjects of their Dominions, without their own Confent by their Representatives; this is The Great Charter of Engliment. And because 'twas thought that the People of Ireland could not conveniently fend Representatives to the Parliament in Englaand, they were therefore authorized to hold Parliaments among themselves for the transacting such Affairs; we allow it to all our Colonies in America; and even Wales, after their submitting to the Government of England, was not Taxt, 'till they were admitted to fend their Representatives to Parliament. This I speak of such Laws which regard the administration of Commutative Justice, regulating their own particular Affairs, or raising Taxes. But there is yet a higher kind of Law inherent in the Constitution, whether it may be call'd the Law of Parliaments, or the Common-Law, I F 4

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leave it to Men of more Judgment in these Matters than my felf to define it, but I mean that which comprehends the Subjects of the whole Empire, and must be of Authority to ordain certain Regulations which shall be binding upon the Whole in extraordinary Cases, where the wellbeing of the Universality is concern'd: England must be allow'd to be the Head of this Empire, from whence all its Members do derive their Being, and must depend for their Support and Protection, the Riches which The attracts from the Benefit of her Forreign Trade, is the only means she hath to support her Power, and maintain such Fleets and Armies as are requilite for the Defence of all her Territories, the must therefore profecute all justifyable Methods for the preserving her Commerce, and hath the utmost reason to restrain her Members from any prejudicial interfering with her in her Trade, because this hath a direct Tendency to weaken her Power, and render her incapable of supporting the great Charge [73]

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of her Government: For this end then, or the like Extraordinary Occasions, those Laws have been made by which the distant Dominions are bound, and such have been the Acts of Navigation, the Acts for hindering the Transportation of Wools from Ireland to Forreign Parts, &c. And concern though these Statutes are enacted to bet when the Occasion requires, yet m who they are not fo much to be lookt heir Ben upon as New Laws, ( to use his ir Suppr own Expression) as it were declarahes whi tory of the Supream Authority, vireft of he tually inherent in, and inseparably only meas united to the Imperial Constitution; Power, a and which hath been always exer-Arms cis'd by this Kingdom, and all other sence of Governments that have had Colopereforen nies or Territories lying at a distance ods for from them. 'Tis only the Exercise , and of this Supream Salutary Authority nher Me that the Parliament of England preinterferi tend to, and not to break in upon pecaule t the Just Constitution so anciently to weat granted, and ever fince continued to her inco the People of Ireland, of Enacting all eat Cha fuch Laws by their Representatives in

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in their own Parliaments, as they think fit to be governed by, or may be conducive to the well ordering the Affairs of their own Countrey; and therefore this Gentleman hath no Reason to Tax us so often as he does, with any Attempts upon their Rights and Properties, breaking in upon their old Settled Constitution, and rendring them the most unfortunate of all his Majesties Subjects, by weakning their Rights to a greater degree than ever was done before. If Poyning's Law be some Check to them, 'twas made in favour of the English Interest in Ireland, and Mr. Molyneux finds no fault with it, but that still leaves them at Liberty to consent or dissent to such Laws as the King in his English Privy Council may propose to them. The Rights that were granted them, were large enough to secure them in the full Enjoyment of their Liberty and Property, in the same Manner as if they had liv'd in England; these we have preserv'd to them inviolated, in as large a manner as ever they were granted;

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granted; let him shew any Law from n 10 , yo England, that hathever innovated upon oda their Judicatories, their Persons, or Count their Estates; his Exclamations can leman in no way be applicable to us, unless it often a shall appear that we have wronged upont them in fuch Rights as those: But breaking this Supream Imperial Authority was conflim never granted to them, nor can reside most in any where as long as the Monarchy es Sup lasts, but in the King, House of Lords, to to agr and House of Commons in England; done ben the absolute Separation he pretends e Check to in the Person of King John, proves out of a Mistake, so that his many perempand I tory Conclusions drawn from thence with it must fall, as having no Foundation. the Progeny of Englishmen wherever they live, (and are acknowledg'd to be Piny ( fuch ) cannot be exempted from ow-The ing Allegiance to this Supream Ju-, were risdiction; 'tis known, that it hath in the Power to Command its Subjects out ny and of the Territories of any other Prince, er as il upon the highest Penalties, yea and nese well to desert its Colonies, and call home the People, if Extremity shall so replated, in quire: He that shall deny it these they w Powers grante

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Powers, denies the very Essence of a Supream Government; and how hard soever this Doctrine may seem to People that have liv'd out of Eng. land, and have never confidered these Notions, yet the Reason of the thing must obtain upon every impartial Man, and convince him, that other Principles than these, would have a Tendency to scatter and break to pieces all Humane Societies, and bring People back again into the State of Nature. Men cannot therefore shake off the Duty and Obedience they owe to the Community, and fay, that an unbounded Liberty is the Right of all Mankind, because this Liberty was given from them when they were in the Loyns of their Ancestors, who confented to the Terms of the Constitution, when they first entred into Societies, and which must continue as long as that Society shall have a Being. 'Tis plain then, that all just Liberty must be bounded by the Laws and Agreements of the Community, and no Man ought to challenge to himself more Liberty than

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than that allows him. To apply this then to our Argument: The People of England may not go out People of England thay her generally feet of the Kingdom, and fettle themselves of the Kingdom, and fettle themselves in any other Country, in manner of a Colony, without leave first obtain'd of the King, (as Head of the Kingdom) neither may they enter into Form of Government different from break that of their own Country, in any and by fuch Settlement, but they must have he State Directions and Authority from the clore h King, by his Charters, Letters Palence th tents or Commission, whereby he day, the grants them the Exercise of the Laws she he of England, and the Power of callthis lim ing together their own Representawhen tives, to Enact such further Laws Ancel (not repugnant to the Laws of Engferms of land) as shall be requisite for the fiften good Government of their Affairs, h must o in relation to which they are left ociety to their own Liberty and Free-choice, then, and not interrupted by the Governbounded ment of England: If after all this, onts of the King in Parliament shall find 1 ought these People or their Posterity, attemptore Liber

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ing any thing in this Settlement, which if it be not stopt, must prove very prejudicial and destructive to England: Will any Man pretend to argue, that the Kingdom which permitted, assisted, and protected these People in their Settlement, hath no Authority left in her self, to restrain them in matters that tend to her own Hurt and Damage? And yet fuch Restraint is not to be accounted an Invading the Rights and Liberties of Englishmen; 'tis only a limitting them from acting or doing something in the Place where they are, that however profitable it might be to themfelves, would yet be very damnifying to the greater Body of the Community, of which they are a Member; neither is this Restraint any more than in regard to the place, their Persons are still free, and they may if they please, return to their own Mother Country, and practice the same thing there, with as much Freedom as any other of their Fellow Subjects. If the Reader should think I have been too tedious upon this Point, I hope he'll 179 J

Settler he'll consider, that if many Words mult be necessary at any time, 'tis then when we are to perswade People out preten of that wherein they believe their which own Interest and Profit greatly consists.

telled I think the Report of the Case of the Merchants of Waterford is an Authority which very much confirms what I have faid; but because he lays much stress upon it, not only here, but in another place, when he Liberta treats upon the Lord Chief Justice Cook's Opinion, I will transcribe the Method Latin Record at large as he gives it: that ho Dicebant quod terr. Hibern. inter se to the habent Parliament. et omnimodo cur. Prout in Angl. et per idem Parliaof the Comentum faciunt Leges & mutant Leges are a M & non obligantur per statuta in Anglia, eltraint quia non hic habent Milites Parliamenti, e place, l'in territ in in terris illis tantum efficiendo; (I bethey m lieve it should be efficiendis) sed per-own Moi sona eorum sunt Subject. Regis, et tan-elament quam Subjecti erunt obligati ad aliquam dom ast rem extra terram illam faciend. conubjects, tra Statut. sicut habitantes in Calesia, have Gascoignie, Guien, &c. dum suere int, I h

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Subjecti; et Obedientes erunt sub Admiral. Angl. de re fact. super Altum Mare; & similit. brev. de Errore de Judicio reddit. in Hibern. in Banco Reg. his Ki

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I shall now take the Liberty to vary somewhat from the Verbal Translation, and render it in that fense that I think this Opinion of the Judges of the Court of Exchequer may be taken: They say that the Land of Ireland hath a Parliament within it self, and Courts (of Judicature) every way like to those in England; and that they make and Change Laws by (the Authority of) this (their) Parliament, and (therefore) the Statutes (which are made to bind) in England, do not bind them, because they have no Representatives here, ( in the Parliament of England. ) But itis always to be understood, that this ( the Laws made in the Parliament of Ireland) must only have relation to that Country, and to such Matters as are transacted (among themselves) therein: But they (the People of Ireland) are in their Persons Subjects of the King ( Ab Ab

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King, (and Kingdom of England) and as Subjects, they shall be oblig'd not to do any thing out of that Country, against Statutes, (made in England to prohibit them ) like as the Inhabitants of Calais, Gascony, Guien, &c. while they were Subjects; and they shall be obedient to the Admiral of England in all things done upon the High Sea: In like manner also a Writ of Error upon Judgment given in Ireland, lyes from the Court of King's Bench in England. I Confess this Opinion is oddly worded, but I shall make no further Comment upon it here, having Occasion to speak at large to it in another place, where it will appear, whether the Sense which I have put upon it, may not be more agreeable both to the passage it self, and to the Opinion which we shall afterwards find the Lord Chief Justice Cook gave of it, than to that turn which Mr. Molyneux hath given it. But he Notes upon it, that upon a fecond Consideration of this Case before the Judges in the Exchequer-Chamber, the ift. Hen. 7. Hussey the Chief Justice gave his

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p. 92.

his Opinion, That the Statutes made in England shall bind those of Ireland; which was not much gain-faid by the other Judges; notwithstanding that some of them were of another Opinion the last Term. And he is offended at this Opinion, and suggests as if 'twas the Presence of the Chief Justice that influenc'd those other Judges, which had not been of the same mind: He Notes also, That Brook in his Abridging this Case, makes a Note upon it, intimating thereby, that Hussey's Opinion was not reasonable. Yet this is no more than Mr. Molyneux's Construction of this Intimation; but if he had any fuch Scruple, is it a strange thing for Lawyers not to jump in their Opinions in some Cases? yet it seems those that were present with Hussey, and heard the Arguments, were fo far convinc'd as to become of his Mind, without faying much against it: But I cann't believe that Judges were to eafily to be influenc'd, contrary to their Judgments, by a Lord Chief Justice then, more than now, when we have feen Two of them ites mix

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them persist in an Opinion, against the other Ten. He Comments also upon the first Opinion in this Case, and fays, that those Judges were not so concluding upon them as Hussey, And they did almost seem to extend the Jurisdiction of the English Parliament over the Subjects of Ireland, only in relation to their Actions beyond Seas: Even this is handle enough for us to lay hold on, for the doing whatever we shall think requisite for the preferving of our Commerce. But he fays, This will appear unreasonable, because by the same Argument Scotland may be bound by English Laws, in relation to their Forreign Trade, as they are the King's Subjects. The Scots are Subjects of the King, only as he is King of Scotland, and we have no pretence to meddle in their Government; but Ireland is upon another Foot, 'tis not an Independent Kingdom; though it hath a Parliament, it is not compleat in its own Jurisdiction, but is subordinate to England, and they can transact nothing of weight in their Administration, without Orders and Directions.

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Directions from the Government of England, all this I think is clearly made out already. But he makes all the advantage possible of the words, Persona eorum sunt subjecti Regis, &c. and tells us, If being the King of England's Subjects be a Reason why we ought to submit to Laws, (in relation to our Trade abroad) which have not received our Assent, the People of England will consider, whether they also are not the Kings Subjects, and may therefore (by this way of Reasoning) be bound by Laws which the King may affign them, without their Assent, in relation to their Actions abroad, or Forreign Trade; Or whether they had not been subjected to the King of France, if our Kings had continued in the possession of that Country, and then if France had been the strongest, it might seem that the Subjects of England might have been bound by Laws made at Paris, &c. What a parcel of Argument is here? I repeat so much on't only to expose it. 'Tis evident, that the Judges in their Opinion, by the Words Subjecti Regis, mean the same thing, as if they had faid

p. 94.

faid Subjects of the Kingdom of England; for they fay afterwards, that while they are Subjects, they shall be under the Admiral of England, &c. If they had said the King's Admiral, could we have thought of any other than the Admiral of the Kingdom? Having Noted this Distinction, I will

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He tells us, that In the Reigns of p. 96. Edward the First, and Edward the Third, Knights, Citizens and Burgesses, were chosen in Ireland, to serve in Parliament in England, and that they have so served. What? and could Ireland be then a distinct and separate Kingdom? Surely our Ancestors would scarcely then have admitted them to fit together with themselves in their Grand Senate. I hope after this, what I have before alledg'd of Ireland's haveing been always in the Condition of a Member of the English Empire, ever fince its first accession, will never more be doubted: They have been, when the Circumstance of Time hath made it convenient, admitted to fend Representatives to the English Parlia-G 3 ment,

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He admits of the Acts made in the p. 100. 17th. of King Charles the First, for encouraging Adventurers to raise Money for the suppression of the Rebellion there, to be binding in Ireland, but then they were made for their Good; and afterwards when the Acts of Settlements were made by the Irish Parliaments, these English Atts were made of no force, which (bews that they have a power of repealing such Acts made in England. From hence 'tis apparent, that our Parliament have not been ready to exercife this Authority, but when the Welfare of the Whole Body requir'd it, and that they were then contented to take no Notice of fuch Alterations made by them, which might be needful and of use to them, and he hath reafon to acknowledge their Tenderness to them in this respect: But I believe these English Acts were not repeal'd, and therefore this Instance will not maintain the Affertion which he raises from it; That the Parliament of Ireland may repeal an Att pass'à pass'd in England, in relation to the

Affairs of Ireland.

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The Acts of King Charles 2d. Reign, p. 103. Against planting Tobacco in Ireland, for encouraging Shipping and Navigation, and for prohibiting the Exportation of p. 104. Wool from Ireland to any Country except England, He acknowledges, Do name and bind them too, so as they do not transgress them, and he hath nothing to urge to take off their Efficacy; but how rightfully this can be done, is the Question. I answer, by that Right which, as I have shewn before, must be inherent in the Supream Legislature of the English Empire, for conferving the Well-being of its Body. The Acts of his present Majesties Reign, he acknowledges To be such p. 106. as the Necessity of the Time requir'd, and to be made in their Favour; but that these should be argued as a Precedent of their Submission, and absolute Acquiescence in the Jurisdiction of the Parliaments of England over that King. done, is what they complain of as an Invasion of their Legislative Right. have Reason and Precedents enough

p. 104.

to vindicate the Just Authority of the English Parliaments in these matters, and they are not under any necessity of dating this Power as commencing from the first of these Acts, not over thirty seven years past; so that he need not be concern'd to think, that they can make any ill use of these Precedents: But whatever this Gentleman's Principles may be, his following Expressions seem very arrogant, from a Person who at first pretended to so much Submission; but I hope the Body of the Protestants of Ireland understand their Duty, and their own Interest better,

p. 112. than to Offer at throwing off the Authority that the Kingdom of England hath for so many Ages had over them; and I doubt not but they will believe, The hazard of doing it would be much greater, than any inconvenience they have ever found in England's way of Protecting them.

Article, viz. The Opinion of the Learned in the Laws, relating to this Matter: And he begins with the Lord

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Chief Justice Cook, for whose Name he bespeaks a great deal of Respect, although he treats him but fomewhat roughly; but this feems to be the

Gentleman's particular Talent.

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He says, the Lord Chief Justice p. 116. Cook quotes many Authorities to prove that Ireland is a Dominion divided and separated from England, and in particular the fore-mentioned Case of the Merchants of Waterford, but he finds fault with him for citing it unfaithfully and brokenly. The Chief Justice doth indeed abridge it, ( and it feems by the alteration of the Words as if he had cited it by Head, not transcrib'd it out of the Book) which is a thing not unusual, nor to be esteem'd a fault in fuch Authors, if they give the passage its due weight, and that I think he does, as to the matter for which he quotes it; but what he especially blames, is, that the Chief Justice upon the Words of the Report, That the Statutes of England don't bind them, (Ireland) adds in a Parenthesis, (which is to be understood, unless they be specially named) and that

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p. 117. that Herein he concludes magisterially, fo it must be, this is my definitive Sentence, without giving any other Rea-

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It is not unusual for Men of this

Judges Authority, when they Note their Opinion transiently, not to dilate upon it; if that be not the Point they are directly handling, yet Mr. p. 117. Molyneux confesses, that In another place he gives this Assertion a Colour of Reason, by saying, That the' Ireland be a distinct Dominion from England, get the Title thereof being by Conquest, the same by Judgment of Law, might by express Words be bound by the Parliament of England. But this doth but make the Matter worse with him: He bath before enquired how far Conquest gives a Title: But he would fain know what Lord Cook means by Judgment of Law; whether the Law of Nature, and Reason, or Nations; or the Civil Laws of our Common wealths, in none of which fenses, he conceives, will be or any man be ever able to make out his Position. And now he gallops away with this, that there's no stopping

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ping him for two or three pages, bespattering the Chief Justice all the way; and though there is a great deal of his fort of Reasoning in it, yet I think it not worth the Readers Trouble to repeat more of it, than That he conceives my Lord Chief Justice p. 119. Cook to have applyed himself so wholly to the Study of the Common Laws of England, that he did not much enquire into the Laws of Nature and Nations, else sure he could not have been guilty of so Erroneous a Slip. Nay, This Affertion of his is p. 120. directly contrary to the whole Tenour of the Case he cites, for that very Act of Parliament on which the Judges debated, and which they deemed not to be of force in Ireland, does particularly name Ireland, so that here again Lord Cook's Error appears most plainly.

Well, if he'll be but a little Cool, we may deal well enough with him in this Matter too, wherein he thinks he hath fo much advantage: But now after all Mr. Molyneux's Inquiries, he hath not faid enough to Convince me, that the Lord Chief Justice Cook is in the

wrong,

wrong, to believe that England hath a Title to Ireland by Conquest: Nay, I do believe further of the Chief Justice's side, that that Conquest hath given her so just a Title to all that Supream Authority which she pretends to hold over Ireland, as that by Judgment (or in Reason) of Law, her Parliaments may bind Ireland, if nam'd in the Law, and that she is warranted therein by the Laws of Nature, Reason, and Nations, (the Civil Laws of particular Common-wealths I don't understand) and also by the Fundamental Laws of the Original Constitution of the English Government, and I have already endeavoured to make out this Position so clearly, that I shall say no more to it here, but leave the Matter referr'd to the Reader's Judgment. The Censure which he passes upon so venerable a Person as the Lord Chief Justice Cook, that he must be very little acquainted with the Laws of Nature and Nations, should methinks but ill become a Writer so little known in the World as Mr. Moly-

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Molyneux, especially when in this first Essay of his he hath discovered much more of his Affurance than Judgment. But now to Vindicate that Coo the Chief Justice from the gross Erift a Till rors with which he Charges him, rity which we must look back again upon the Ireland, Opinion of the Judges in the Exche-Reason quer-Chamber, as he hath deliver'd it may bin in Page 90, 91. They were Consultlaw, a ing, whether the Staple-Act, made in tin by th England, could bind the People of and Nat Ireland; they argue after this manparticule ner, Ireland hath a Parliament of its nderstand own, which makes Laws for the ordertal Laws ing Matters among themselves, and thereon of the fore the Statutes made in England don't I have a bind them; by which they must mean te out the fuch Statutes which are made in geneshall fa ral Terms, and for the particular Ocleave th casions of England; for 'tis plain, that ler's Jude what they intend when they fay, that The People of Ireland, as Subjects of the he palle King, are oblig'd to act nothing out n as th at he mu of that Country against the Statutes, is, of such English Statutes as name Irewith th land; for the Subject of their Debate ns, shou was about a Statute wherein Ireland Writer

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was named. These Judges of the Exchequer do here make two Conclusions, that feem contradictory: First, They say our Laws don't bind them, but that is in respect of things transacted within themselves, where. in the Parliament of England don't meddle; but then in the Second Place, They say, our Statutes did bind the People of Ireland, in Matters not relating to what was done within themfelves, and therefore they Concluded that this Statute did, because they were particularly named, else there had been no fuch Dispute about it, and this reconciles both these Conclusions. Soon afterwards ( as is aforesaid) when this Cause came to have a Second Hearing before the Judges in the Exchequer Chamber, the Chief Justice Hussey declar'd, That the Statutes made in England shall bind those of Ireland, to which the other Judges agreed, without saying much against it: But doubtless this Opinion is to be understood of such Statutes only which name Ireland; and as to this Statute they all agree, that it had its full Effect

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Effect upon the People of Ireland: Where then is this Erroneous Slip of the Lord Chief Justice Cook? In repeating the Words of the first Opinion, that Our Statutes don't bind them. he Notes in a Parenthesis the Tenour of the latter Opinion, (unless they be especially named; ) this is not contrary, but agreeable to both the former Opinions, how then doth he differ from them? indeed the first Opinion fays only, that they should be obliged in matters done out of that Country: But Huffey and Cook take no Notice of this Distinction, but give their Opinion somewhat more General. Cook infers, that if Ireland be fpecially named, our Statutes do bind them, which still is not contrary to the Case which he cites, for that entirely agrees with him, excepting only in this difference, he infers that Ireland is bound, that afferts that the People of Ireland as Subjects of the King are bound, the Case stands stated alike to both, 'tis if they are named in an English Statute. If this Distinction will do Mr. Molyneux any good, let him

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him enjoy it, for me it sufficeth, if I have shewn that the Lord Chief Justice Gook's Affertion is not directly contrary to the whole Tenour of the Case which he hath cited: He Notes, that the English Statutes don't bind Ireland, unless they are specially named; this Case shews, that because Ireland was named in it, those Judges were of the Opinion, that the People of Ireland as Subjects were oblig'd to pay Obedience to this Staple Act, as far as it required; I fee therefore no contrariety to it in this his Assertion, but a great deal in that of Mr. Molyneux, where he fays, 'Twas the Unanimous Opinion of all the Judges then in the Exchequer Chamber, That within the Land of Ireland the Parliaments of England have no Jurisdiction, whatever they may have over the Subjects of Ireland on the open Seas. I appeal to the Words of the Opinion, whether it denies, that the Parliament of England hath any (manner of) Jurisdiction within the Land of Ireland, there's nothing in it so positive; if it fays, that Ireland hath a Parliament

p. 120.

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ment within it felf, it Notes also, that 'tis only for ordering of Matters fit to be transacted among themselves: If it fays, that the Statutes in England don't bind them, because they have no Representatives there, it may well be understood of such Statutes that are directed for the particular Occasions of England, wherein Ireland is not named; it doth not in the least offer at the denying the Jurisdiction of the Parliaments of England, in naming Ireland; for it directly concludes them to be Subjects of the King, which cannot be meant in any separate Sense from the Kingdom, because it says, they shall be under the Obedience of the Admiral of England, and the King hath no Admiralty or Navy distinct from the Kingdom: Nay, their quoting the lying of a Writ of Error in the Courts of Ireland, (after they had own'd them to have fuch Courts. as well as a Parliament, in the very fame manner as those in England) from the King's-Bench in England, could be he here to no other pur-H pole,

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pose, than to shew that England had Jurisdiction over Ireland in some Matters; and certainly where England has any Authority at all, it cannot be severed from the Supream Legi-But fince he lays to much stress upon the Words, Ad aliquam rem extra terram illam faciend. (though it is to be Noted by the way, that this Deliberation was upon a Statute respecting only matters to be done out of the Kingdom) yet I'll do him all the Reason possible, and if I should take the Words in the strictest sense he puts them, and grant that those Judges at that time had not confidered the Matter further, than to think that the Jurisdiction of the Parliaments of England did not extend to enact Laws, binding within the Land of Ireland, he must yet allow, that Judges are sometimes mistaken in their Opinions, and we do not admit their Sentences to have the force of Laws, as neither will he himself the Opinions of the Lords Chief Justices, Hussey and Cook; if then the Reason of the thing, as well as ancient

cient Practice, be quite otherwise, ( as I hope I have sufficiently shewn in this Case ) we may very warrantably conclude this Opinion of these Judges to be Erroneous, if they intended it in the same sense which Mr. Molyneux takes it.

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He hath not yet done with the Lord Chief Justice Cook, but tells us, That this Assertion is likewise incon- p. 1210 fiftent with himself in other parts of his Works, where he says, that the Laws of England had been granted to Ireland, and thereby Ireland being of it self a distinct Dominion, and no part of the Kingdom of England, was to have Parliaments holden there, as in England. The Chief Justice might well fay, that Ireland had a distinct Dominion, and Parliaments within themfelves, every Body must own it needful, because of their being divided from England by the Seas, that they might thereby be enabled to regulate Matters among themselves, as the Circumstances of Time and Place should require. May not the City of London be faid to have a kind of

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a distinct Dominion, and a fort of a Parliament held within themselves. even after the Pattern of the Grand Parliament of the Kingdom? the Lord Mayor, after the manner of the King, calls and dissolves their Assembly; the Aldermen (after once Chosen) have Right of Session for their Lives, as the House of Lords; the Common Council-men (refembling the House of Commons) are chosen Annually by the Respective Wards, (like the Counties) all these assemble in Common Council, and there Enact Laws for the good Government of the Citizens, which the Grand Parliament rarely, if ever, controul; and though their Jurisdiction be much less than that of Ireland, yet it is a certain Jurisdiction, so firmly establisht, as that it's held that it cannot lawfully be taken away, or altered, by any Power in England, but the Supream Legiflature, and that it must stoop to; and the same the Lord Chief Justice Cook fays of this diftinct Dominion of Ireland; that notwithstanding it hath a Power, Jurisdiction, and Authority, ort of a

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thority, which is compleat within it felf, yet it must pay Obedience to the Supream Legislature of England, whenever any Extraordinary Occafion shall make it needful for that to name it specially; and therefore the Tenour of his Judgment upon this whole Matter shews, that by his terming them no part of the Kingdom of England, (because they have fuch a distinct administration among themselves) he does not in the least intend, that they should be lookt upon so separated, as to be out of all Reach of the Supream Imperial Authority of England; so that in all this there appears no Inconfistency; he never afferts what Mr. Molyneux affumes, that the King and Parliament in Ireland is a Legislature equally as Supream as that of the King and Parliament in England, and it must be very unaccountable in any one to do fo, who knows that all Irish Acts of Parliament must be approv'd in the Privy Council of England; I'll warrant him, they'll take care that they shall never Enact different or contrary Sanctions, p. 121.

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fo that he need not from this fear the Consequence of Ireland's having two Supreams. He hath one Touch more at the Lord Chief Justice Cook; he quotes him, faying, If a King hath a Christian Kingdom by Conquest, (as King Henry the Second had Ireland) after the Laws of England had been given them for the Government of that Country, &c. no succeeding King could alter the same without Parliament: Which by the way, feems nothing contradictory to all that Mr. Molyneux hath quoted, of what he fays concerning Ireland, but is a farther Indication that his Opinion was always steady, that the King and Parliament of England, and not the King alone, held the Supream Authority over Ireland. And now he Hath done with this Reverend Judge, and I am very glad on't, because I doubt I have tyr'd my Reader with fuch an abundance that I have been forc'd to fay for the Judg's Vindication; but to make amends, I'll try to divert him a little, by telling a short Story upon my felf: When I was a Boy, I thought once

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once that I had espy'd a Fault in a Persormance of my Master's, and I had the assurance to tell him on't; be sirst fairly convinc'd me, that I had not taken the thing right, and then very gravely told me with a bent Brow, that 'twas more like my Boyish Considence to find Faults where none were, than the Solidity of his stronger Judgment to commit such.

Now for Pilkington's Case: The King first grants a Patent for an Office in Ireland, to be held by Pilkington or his Deputy; but after this, the same King grants the same Office to A, who who sues for it, and pleads an Act of Parliament in Ireland, that no Person might execute any Office there but in his own Person, on pain of Forfeiture; he proves that Pilkington acted by a Deputy; the Judges thereupon decide in favour of A. What's this to the Parliament of England's Jurisdiction over Ireland? it shews no more, than that the Judges of Ireland were of the Opinion, that the Kings Letters Patents could not over-rule an Irish H 4

p. 122.

Act of Parliament. Indeed he tells us, that in the Pleadings 'twas offer'd, p. 124. That Ireland time out of mind had been a Land separated and distinct from England, and ruled and governed by its own Customs, that they could call Parliaments within themselves, &c. It seems two of the five Judges held this Prescription void, and thô I will not difpute ( as it feems they did ) about the Word Prescription, yet 'tis well known, that what Jurisdiction they had, was granted them by the Supream Authority of England, and I know no Body denies it them, only we cann't admit them to strain it, beyond what was ever intended: It fays further, that I wo of the Judges affirm'd, and the other three did not deny, that a Tax granted in England, could not affeet Ireland, except it be approv'd in the Parliament in Ireland: This is not what we Contest about, I never heard that England did ever raise Taxes upon any Members of her Empire, without the Consent of their Representatives.

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ford's Case, we have both said enough to that already: That of the Prior of Lanthony in Wales comes next; He sues the Prior of Mollingar in p. 125. Ireland, for an Arrear of an Annuity, and obtains Judgment against him, both in the Common-Pleas and Kings-Bench in Ireland; Mollingar Appeals to the Parliament in Ireland, and they Revers'd both Judgments; upon this Lanthony removes all into the King's Bench in England, but that Court would not meddle in it, as having no Power over what had pass'd in the Parliament of Ireland: Lastly, He Appeal'd to the Parliament of England, and it does not appear that they did any thing in it. What of all this? The Court of King's-Bench in England, although they had Authority to determine upon Matters brought before them by Writ of Error out of Ireland, yet they did not believe, they had any Power over the Parliament of Ireland: Doubtless they were in the right; but it seems 'twas then believ'd that the English Parliament had, else Lanthony had never Petition'd;

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tion'd; but it does not appear that they did any thing upon this Appeal, the Petition only being entered at the end of the Roll: Why? that's a plain Sign, that 'twas the very last thing of the Session, and the Parliament was Diffolv'd, Prorogu'd, or fomething, before they could go upon it, or perhaps the Matter was agreed, or the Prior's dead before next Seffions, or fifty Reasons more that might be offer'd against his sleeveless Suggestion, That the Parliament of England did not think themselves to have a Right to enquire into this Matter, because nothing more than the Petition is found upon Record; but I'll tell him a better Reason of our side, 'tis not probable that they would have receiv'd the Petition, if they did not believe they had Right to decide up-

The next thing is about the Acts of Recognition, and this he begins p. 127. with an ingenious Confession, That the Kingdom of Ireland is inseparably annext to the Imperial Crown of England, and the Obligation their Legisla-

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ture lies under by Poyning's Act, makes this Tye indissoluble: This is enough to make out all our Pretensions upon them; 'tis strange to see a Man writing a Book against the Natural Consequences, when yet he so easily agrees upon the Premises. The Imperial Crown of England denotes the Supream Authority of the Kingdom; the Material Crown is but a Badge of this Authority, and is given to the King, not as his own separate Propriety, but as an Enfign of the Authority which he enjoys, as Head of the Kigdom; if any Body should steal this Material Crown, and break it to pieces, as Bloud did, the Supream Authority of the King and Kingdom remains entire and inviolated: This Supream Authority always resides in the Legislature, which in our Constitution is inseparably vested in the King, Lords, and Commons; there can be no annexing to the Imperial Crown of England, distinct from the Supream Imperial Authority of the Kingdom; if any Territory shall be annext to this Imperial

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rial Crown, it must become a Member of the Empire, otherwise 'tis no annexing; and because there can be but one Supream Legislature, every Member or part of the Empire must be in some Subordination to that Supream Legislature, whatsoever other Jurisdiction it may retain, as necessary to its own particular Regulations within it self; otherwise it can be no Member, but must remain a perfect Body of it self. I think these are Politions that won't easily be disprov'd, and we have a compleat Instance of them in the Kingdoms of Scotland and Ireland, as they stand related to England; Scotland is an ancient, distinct, and ( saving the old Pretensions of England upon them ) independent Kingdom, hath an Imperial Crown of its own, worn by a long Succession of Kings, whose Posterity came to inherit the Kingdom of England, and remove their Seat hither, yet 'twas not in their Power to annex the Kingdoms, without their Joint Consent, so that they remain an intire Sovereign Kingdom, govern'd

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govern'd according to their own Constitution, without any Subordinaflitution, without any Subordination to England to this day; and therefore in the late Happy Revolution, when King William and Queen Mary had obtain'd the intire possession on of the Crown of England, they on of the Crown of England, they did not pretend to that of Scotland, till the States of that Kingdom had conferr'd it upon them by a free Election. On the contrary; Ireland (whatever it was anciently) was no intire Kingdom, when the English first took Possession of it, but divided into many Jurisdictions, under Petty Princes; it had never any Diadem or Enfign of Royalty, that ever I could hear of; it was entirely subdued, and brought under the English Government by Conquest, (as all Authors, except Mr. Molyneux, agree) it was brought into the form of a Kingdom, and afterwards had that Title conthe Ku ferr'd upon it, and was endow'd with ove th Laws, and a Constitution of Governin th ment, by the Authority of England ns, Wit who from the Beginning referv'd and exercis'd a Superiority over them; and (Mr.

that

(Mr. Molyneux being quite mistaken in the Grant made to King John) it was never separated from being a Member of the Empire of England, but (even as Mr. Molyneux confesses) remains annext to it to this day. The Supream Legislature of England (then in being) presented the Title of it to King William and Queen Mary, at the same time with that of England, without asking the leave of the People of Ireland; in like manner, they have proclaim'd all the English Kings with that Title at their first Accession, and have, as he owns, concluded Ireland in all Acts of Recognition. What if the Parliaments of Ireland have also recogniz'd? 'twas but to own their Allegiance; our Kings were as effectually vefted in the Dominion over Ireland before, by the Authority of England, and double doing in such a Case can be no harm; neither can this be any Argument to prove, Their having all p. 128. Jurisdiction to an Absolute Kingdom belonging, or that they are not subordinate

to any Legislative Authority on Earth.

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Now he tells us, As the Civil State p. 128. ng in of Ireland is thus absolute within it nom by felf, likewise. So is the Ecclesiastical; the Engla and just so it is, but that is without any absoluteness in either. The mulis a titude of the Native Irifb, and the of En Old English, were doubtless very ed the averse to the Establishment of the Reformed Religion, because they have that of L continued Roman Catholicks ever leved fince; and yet this Reformation was begun there by no other Authority, than an Order of the King and Counat their cil in England, to the Lord Deputy, to Cause the Scriptures and the Common Prayers to be us'd there, in the English Tongue; from whence 'tis evident, that they did not then think their own Ecclefiastical Jurisdiction of absolute, as that they could oppose it to the Authority of Eng-Empland, land.

He quotes a Record out of Reyley, p. 129. Cale cal That Edward the Second, upon a Motion of bis Parliament at Westminster, whoving had fent his Letters Patents to the Lord Justice of Ireland, that he should Order that the Irish might enjoy the

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Laws of England concerning Life and Member: From whence he infers. That the Parliament did not then think, that they had Jurisdiction in Ireland, otherwise they would have made a Law themselves to this effect: Can this be any more than an Instance of what I have all along faid? that our Parliaments have always been willing to leave the People of Ireland, as much as possible, to the Exercise of their own Form of Government, in Matters relating to themselves, and not to interpose their own Supream Authority, but upon Extraordinary Occasions, wherein the Welfare of the whole was concerned? But can it be any Argument, that they thought they had no fuch Authority, because they did not think fit on this Oc. casion to use it?

Mr. Molyneux finds, that the lying of a Writ of Error from the King's Bench in England, on a Judgment given in the King's Bench in Ireland, lyes heavy upon him, and therefore he labours mightily, and turns it every way to get rid on't; first he says,

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'tis The Opinion of several Learned in p. 131. the Laws of Ireland, that this is founded on an Act of Parliament in Ireland which is lost. How Learned soever this Opinion may be, I am fure 'tis not very Judiciously offer'd here; for no Body will believe that the Legiflature of a Kingdom that thought it self absolute, could do so foolish a thing as to make a Law themselves that should put them under the Administration of another Kingdom, in so high a point as the Controlling all their Judicatures; and therefore if ever they made such an Act of Parlia. ment, 'tis not to be doubted but that at that time they were very sensible, that whatsoever Authority they had among themselves, was all deriv'd from, and in perpetual Subordination to the Supream Authority of England. Indeed he comes and fays after, That this Suit is made to the King p. 136, only, the matter lies altogether before him, and the Party complaining applyes to no part of the Political Government of England for Redress, but to the King of Ireland only, who is in England:

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land: That the King only is fued to the Law books make plain, &c. for above two Pages. Fine, very fine spun are these Arguments, but withal so extream flight, that they won't hang together: If the King was ever us'd to fit there in Person, was there not always four English Judges constituted in that Court, whom the King in those days could not remove at pleasure) who had Authority to judge, whether the King were present or abfent? Or does he think, that when an Irish Appeal came before them, these Judges could not meddle in it? or if they did, whilft the King was present, they were all on a Suddain fwallowed up, or consubstantiated into the King? or if they acted in his absence, an Irish Cause would immediately transubstantiate them all four into the real presence of one King of Ireland, in his proper Person? But if this should be too gross to put upon Mr. Molyneux, we must e'en resolve it t'other way, and conclude, that he thinks the Judges and Courts of Judicature are no part of the

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the Political Government of England: He hath abundance of other pretty Conceits, how and which way this Business of the Writ of Error might come about, and in what sense it may be thought to operate; but I'll leave him in the quiet and peaceable Enjoyment of them, because I think it not worth while to trouble my felf or the Reader more about them: We may be fure he would not have us to Conclude, That if p. 1394 the King's Bench in Ireland be subordinate to the King's Bench in England, that therefore it must follow, that the Parliament of Ireland is subordinate to that of England; and though, as he fees, we have a very good Argument for that, a fortiori, yet what I have faid before may fatisfie him, that we have other Demonstrations enough, to assure us in the constant Subordination of that Kingdom to this, besides the lying of this Writ of Error, which the very Reason of the thing (maugre all his Endeavours to shift it) will evince, that this preheminence must infallibly have been preferv'd

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ferv'd to England from the first annexing of Ireland; for after they were become obliged to be rul'd and govern'd by our Laws, whether should they refort to have them explain'd, but to that Authority that gave them? I cann't omit observing, how very pertinently He concludes this his Fifth Article, with a Memorable Passage out p. 140. of their Irish Statutes: And that is the Act of Faculties made in Ligland ame A the 28th. Hen. 8. reciting a former English Act, in the Preamble of which 'tis declar'd, That this your Graces Realm Recognizing no Supert applica our but your Grace, hath been, and yet is free from any Sub. given t jection to any Man's Laws, but vere only such as have been devised within this Realm, for the wealth und Cal of the same, or to such others, ation as by lufterance of your Grace, and vour Progenitors, the People of the Realm have taken at their free Liberties, by their own Connd Arg fent: and have bound themselves tred or by long wife and Custom to the ste: Diserbance of, &c. Now this very Decla.

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Declaration, with the other Clauses of the said English Act, is Verbatim recited in the Irish Act of Faculties. Behold the mighty force of this Argument! The People of England did in an Act of Parliament make a Declaration of their ancient undoubted Rights and Liberties, proper and peculiar to their own Constitution: The Parliament of Ireland pass the same Act there, and take upon them to ape the very Words of this De claration in their Act, though the fame could not be proper or rightly applicable to the Circumstances of their Constitution, (for the Laws given them at first from England, were never devised within that Realm) therefore the People of Ireland cannot be under any Subordination of the Parliament of Eneland.

And now he's come to the 6th. p. 142. and last Article, viz. The Reasons and Arguments that may be further offered on one side and t'other in this Debate: And here Mr. Molyneux opens a very diverting Scene, but fitter for Ridi-

p. 142. Ridicule and Disdain than Argument:
He tells us, There remains another pretence or two for this Subordination to be considered; and one is founded on Purchase: Tis said, that vast Quantities of Treasure has been spent by England from time to time, for reducing Ireland, which has given them a just Title at least to the Lands of the Rebels, and to the Absolute Disposal thereof in their Parliament, according to the Examples in Forty One, and the late

Rebellion in this Reign.

I am forry that he has so little sense of the great Benefit which the Protestants of Ireland have received, by the interposing of the English Power in their Favour. 'Tis not to be disputed, that the late King James had all the Hæreditary Right that was entailed upon their Independent (as he terms him) King John; and although he had Abdicated the Crown of England, yet by this Gentleman's Notions, he had still an undoubted Title to the Kingdom of Ireland, which he came to posses, by the assistance of a very considerable Pow-

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er from France; and ( if Mr. Molyneux's Doctrine be found ) could any body then blame the Irish, and Old English, of his own Religion, to join with him, in the afferting his ancient Right to that Kingdom? For my own part, I must own, that I know no other Reason that can justifie us in our engaging in that War, for the Recovery of Ireland, than the Old English Principle, that Ireland was our own, as an inseparable Member of the English Empire; and I am sure, all the English Protestants of Ireland were then glad to have us affert that Right, or else their fair Estates in that Country must have left the greatest part of them to go a Begging at this day, unless perhaps they could have reconcil'd themselves by turning Papists; it being well known, that they were fo far from valuing themselves upon their own Strength, that (excepting that Gallant and Resolute Resistance made by the People of the North, at London-Derry and Inniskilling ) they gave up all, and generally (meaning the People of

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of Note) fled to England; (though many are of the Opinion, that they might have done more for themselves than they did, if they had staid:) Thus were their Estates lost to them, beyond hopes of Recovery, but by the strength of England: Indeed when we had fent over an Army, some of them went back again, and together with those that remain'd in Ireland, did expose themselves, and acted a fair part in the War; yet all they were able to do, was so inconsiderable, in regard of the whole Management of the War, that I believe it won't be pretended, that we were made Masters of Ireland one day the sooner for their help. The vast Charge of an Army, Arms, Artillery, Ammunition, Provision, Shipping, &c. all this have we born, and paid for, by raifing Taxes upon our own Estates, when we knew they were not able to Contribute any thing themselves; and after all this, what of a Man can have the Impudence to dispute with us, whether we have any Right to the forfeited Estates in Ire(though

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land? If the Kingdom of England hath no just Jurisdiction over Ireland, I will affirm, that the Irifb were in no Rebellion, but were in the Exercise of the Natural Allegiance, and in the Discharge of that Duty which they ow'd to their Lawful King; there was no Act of their Parliament to declare King James abdicated, and the Throne vacant, neither indeed was there any pretence for it; because he came, and was actually present among them, and in the full Exercise of his de facto Kingly Power, as to them: But (as I faid before) the People of England having in their Convention ( which at that time was the Representative of the Nation ) conferr'd the Crown of England and Ireland, and all other Territories and Dominions belonging to the English Empire, upon King William and Queen Mary; the Kingdom of Ireland, as a Member of the English Body, was as much bound to submit to that Revolution, as New-England, or any of the rest of our Colonies; and therefore the Opposition

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tion made by the Irifb against it, was a perfect Rebellion, and render'd them liable to all the Pains and Penalties which the Municipal Laws of the Kingdom could inflict upon Rebels: This then justly forfeited their Estates to the King, as he is the Head, but not as in any separate Capacity from the Kingdom of England: We know however, what Authority the King hath to dispose of these Estates, to fuch as may have deferv'd well; and if the Parliament of England shall acquiesce therein, that's no Argument that therefore they have no Authority to intermeddle in that Matter, and their former practice (as he confesses) hath shewn the contrary.

P. 143.

He owns, that In a War, the Estates of the Unjust Opposers, should go to repair the Damage that is done; but theirs do not resemble the Common Case of Wars between two Forreign Enemies, but are rather Rebellions, or Intestine Commotions. And so we say. But, he continues, If the Protestants of Ireland, by the Assistance of their Brethren of England, and their Purse, do prove

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prove Victorious: A fine Turn indeed; the Matter of Fact is, that the Army of England prov'd Victorious, and that without any thing that might reasonably be call'd Assistance from their Brethren, ( as he, though somewhat affumingly in this case, calls themselves) the Protestants of Ireland, and yet forfooth the Victory must be theirs: No Man of Modesty, as this Gentleman would bespeak himself, could dare to put upon the World at this rate. Well, but he tells us, The p. 143. People of England ought to be fully repaid; but then the manner of their Payment, and in what way it shall be levyed, ought to be left to the People of Ireland, in Parliament Assembled. He owns the Debt, and that we ought to be paid, but how, and which way, and when, ought to be left to them; a pretty New-fashion'd Priviledge this Gentleman is inventing for his Country; provided they own the Debt, the Creditor must be contented without any Security, without any Terms, and (consequently) without any Interest, how long loever

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ever he may be kept out of his Money; he ought to leave all that to the Good Willand Pleasure of his Honest Debtor; but I believe Mr. Molyneux would be loth to pass for such a Fool, in his own way of Dealing in the World, and fure he must measure us by an Irish Understanding, if he thinks this fort of Reasoning will go down with us. He goes on, And so it was after the Rebellion of Forty One; that's a Mistake, (though it deserves a harder Word ) for he tells us, The Adventurers had several Acts of Parliament made in England for their reimbursing, by disposing to them the Rebels Lands; fo that it was not then left at the Discretion of the p. 144. People of Ireland: But after all, it was thought reasonable, that the Parliament of Ireland (bould do this in their own way, and therefore the Acts of Settlement and Explanation made all the former English Acts of no force, or at least did very much alter them in many particulars. Here 'tis plain, that Acts of Parliament were made in England, for disposing the forfeited Estates

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Estates of Ireland, which were be liev'd to be of Validity, and a sufficient Security to the Adventurers at the time when they were made, otherwise People would not have advanc'd their Money upon them; and though I am no Lawyer, and don't think it concerns me to look afrer those Acts, yet from the Reason of the thing, I cann't believe that those Persons that advanc'd this Money, could afterwards be legally depriv'd of the Interests granted them by those English Acts, by any after Authority of an Irish Parliament: If any were, I would advise them yet to sue to an English Parliament for Relief. 'Tis true, there had happen'd a Revolution, and perhaps some People that had those Lands, might be lookt upon as under Delinquencies to the Government that then came to be uppermost, and we know that some of the Irish Papists were very strangely restor'd to their Estates, and the Possessors put out; yet if some Injustice was done, at fuch a time when many things were carried by Extreams,

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nothing will prove an invalidating of those English Statutes, less than either a total Repeal of them, and that he feems not to stand upon here. (though he suggested it in another place;) for he only fays, they were made of no force, or at least were very much alter'd in many particulars; which is a certain Sign they were not repeal'd: Or to shew that they were fo altered, as to take away all the Lands that were possess'd by any of those Adventurers, or their Descendents, by Virtue of those Acts of Parliament: If that cann't be made out, (which fure he won't pretend to) it will remain, that those English Acts of Parliament did really dispose of the Rebels Lands in Ireland; and if there be any after Settling or Confirming them to the Safety of the Proprietors, by Act of Parliament in Ireland, that cannot impeach the Authority of the first Acts.

Well, he still allows, That we shall be repaid our Expences; all they desire, is, that in preservation of their own Rights and Liberties, they may do it in their own

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Methods, regularly in their own Parliaments: And if the Reimhursment be all that England stands on, what availeth it, whether it be done this way or that way, so it be done? A pretty loose way of Talking this; he speaks as confidently of reimburfing us, as if that were a small matter, and they had this way and that way, ways enough to do it; and they are fo well prepar'd, that they defire nothing else but Liberty, to let them do it in their own Methods. I am forry we han't heard one word like this offer'd in their Parliaments, 'twould 't be made have lookt much better from them, pretend than from Mr. Molyneux, to have taken Notice of this great Debt to England, and to have at least declar'd nds in In their Intent of paying it; but he is ter Settlin a Member, and perhaps he knows the Safer their Minds better than I do; and t of Parli because he proposes so fairly, I am ot impeat willing to strike a Bargain with him; if he'll undertake on the Behalf of Ireland, I'll undertake on the part of England, that if they are in good Earnest, willing and able to pay us in their on this

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his Debt, the Parliament of England (and I hope my good Intention in this matter, will obtain their Pardon for my presumption) will leave them intirely at Liberty, to raise it according to their Methods, as regularly in their own Parliaments as he desires; and this being (as he fays) all they ask, let him but publish himself in Print once more, and engage to pledge his own Estate (which by the way he may value the less, by how much he is indebted to me, and the rest of the good People of England, for what we have paid to redeem it) to the Publick, for the perfor. mance; I'll engage not only my Estate ( which is somewhat to me, if it be not fo great as his ) but my Life too, that the Parliament of England will affent, to give them what time they please, for the payment of the Principal, if they can but give Security for the payment of the Interest at 6 per Cent. ( though the Interest of Ireland is 10) and I believe I might adventure to promise, that upon the performance of fuch Articles. f Englan

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ticles, they would make him as Compleat a King of Ireland as ever his King John was, and also give him a better Estate to support that Dignity, than was given to that Prince. I don't love Banter, but how can a Man treat such Discourse otherwise? is it not certain, that we have expended more Money (besides the invaluable Blood of our People ) in the Reductions of Ireland. than all the Lands in the possession of the English are worth? and yet we have been so generous to them, as hitherto not to ask for one penny of Reimburf. ment from them. But fee the inconfiderateness of this Gentleman, he hath been fo far overseen, in the saying any thing that he has Thought could give the least support to his unreasonable Argument, as not only to scatter many pernicious Notions, which the Irish may lay hold on to the Prejudice of the English; but here also he hath started a Thought, that is capable of being improv'd more to the Benefit of Enoland, than to the advantage of his own Country-men, (as he distinguishes) the English of Ireland. Is there not

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not Reason, that those who receive the greatest Benefit by the Publick Expence, should contribute a proportion towards it? The People of England receive but a distant advantage by the Reduction of Ireland, and yet they have born the whole Charge; the Protestants of Ireland have receiv'd an immediate Benefit, by being restored to very great and improving Estates, and yet they have paid nothing; the Government of England is extreamly in Debt, and the Taxes will continue to lye very heavy upon the Inhabitants of England, where the Means of Sufflistance is much harder; but Ireland is recover'd into a flourishing Condition, and through the great Plenty and Cheapness of Provisions, the People there by a little abatement of their abundant way of living, may spare Taxes much more easily than England: What then if the Parliament of England should entertain this Thought of his, and become of his Opinion, that they ought to be repaid their Expences; and that the People of Ireland are now in a Condition to Contribute [131]

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tribute something towards it? especially fince they are already become fo Upish, and retain so small a Sense of Gratitude for the great Support we have fo lately given them, as that not only this Gentleman, but others also have shewn their Readiness to fly at our Heads, and even threaten us with the Consequences of their Resentments, for our only offering to Check e paida their Progress in a Manufacture, of Engla which cannot be carried on there the Tan but to the Ruine of England: I say, if upon these Considerations, and so nd, when extraordinary an occasion, they should is much require a Certain Summ from the People of Ireland, I know not but that it may well consist with that supream Authority, which (as I have endeavoured to shew) must be and will of the Essence of every Compleat Empire; and that it would be no Viothen lation upon that Constitution which denter was given them, if our Parliament comed should be content, That in preservaober tion of their own Rights and Liberties, he People they may have Liberty to raise it in tion to their own Methods, regularly in their tribu

own Parliaments. Perhaps Mr. Molyneux will tell us, that they have a Negative upon us; but he hath before put us in mind of an Unlucky Hank that our Admiralty hath on them. I doubt the Gentlemen of Ireland won't be well pleas'd with me for touching upon this Point, but they must reflect upon their own Advocate, but for whom it had never come into my Mind; and they ought not to be offended with me, for answering him in such a Way as his own Arguments require: I never design'd them any ill Office, and if any advantage should be taken by this, I am as ready as Mr. Molyneux himself, for my part in it, with the lowest Submission to ask their Pardon.

What follows next may be prefac'd with a

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We have an Example of this in p. 144. Point between England and Holland, no lan

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the Glorious Revolution under his prefent Majesty; Holland in Assisting England expended Six Hundred Thousand Pounds, and the English Parliament fairly repaid them: It would look oddly, for Holland to have insisted on disposing of Lord Powis's, and other Estates, by their own Laws, to reimburse themselves.

An Example in Point; then Holland must once have Conquer'd England, and have ever fince retain'd a Title to this Kingdom, and exercis'd an Authority over us, in directing all the Principal Managements of our Government: Neither can there be any Semblance of their affifting us at that time with Six Hundred Thoufand Pounds; that Assistance was advanc'd wholly on the Credit of their Stadtholder, the (then) Prince of Orange, and the Assistance we had was only owing to him, who by the Success of that Glorious Expedition came to be Elected our King; and then the Parliament of England considering, the Inestimable Benefit England had receiv'd by that most K 3 Happy

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Happy Revolution, thought it reasonable to repay them the full Charge which the States had advanc'd on this Account: Besides, if the Fact had been true, the Dutch knew we were well able to repay them, and they have had their Money to their Content, but we knew that the People of Ireland, if they would have beggar'd themselves, could never have reimburst us, and therefore we have not, and perhaps (then) never intended to ask them for it: May this be call'd an Example in point too? After this, can there be a more Odious Comparison than what he infers, that the Dutch had as much reason to insist on the disposing Lord Powis's and other Estates, as our Parliament had to meddle in the matter of the Forfeited Estates of Ireland? I have sufficiently shewn how the Government of England hath a Just Right to the Forfeited Estates in Ireland, but surely the Dutch cann't pretend to any Right to Estates forseited in England, by our Municipal Laws; and it does indeed look oddly enough in him, to Conit reso

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Controvert this with us, before we are repaid one Farthing of a vastly greater Expence, and tell us, here's an Example in Point for us: Such Treatment as this would raise the Blood of an Englishman, and though a fitting Modesty and Regard to my Reader doth restrain me from venting the Refentment due to fo great an Indignity put upon the Englilh Nation; yet I hope I may be indulg'd to imprecate upon my felf, if ever I should discover so little Thought, as to make use of Examples highly reflecting upon my Superiours, and yet no way agreeing with the Fact in hand; may I be Censured for an Eternal Blockhead, and condemn'd to wear my Book affixt on my Back, as a perpetual Badge of my Insolence and Folly.

I am weary enough of this Head of Purchase, and yet I will take the pains to transcribe the last Paragraph on't from end to end: He says, 'Tis an ungenerous thing to vilify good Offices, I am far from doing it, but with all possible Gratitude acknowledge the mighty K 4

p. 145

Benefits Ireland has often received from England, in helping to suppress the Rebellions of this Country; to England's Charitable Assistance our Lives and Fortunes are owing: But with all humble Submission, I desire it may be Considered, whether England did not at the same time propose the preventing of their own Danger, that would necessarily have attended our Ruine? if so, 'twas in some measure their own Battails they fought, when they fought for Ireland; and a great part of their Expence must be reckon'd in their own Defence.

If Mr. Molyneux had had a due fense of what he was saying, he could never have so solemnly protested against the ungenerousness of Vilifying good Offices, and yet in the next Breath attribute no more to England, in what she hath done for them, than just her helping to Suppress the Rebellions: Is not this Vilifying with a Witness? after we have Reduc'd Ireland, and put them into the Possession of their Estates, upon our own proper Cost and Strength, to have it lessen'd to no

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more than a little Lending them a Hand at a dead lift, and for which they are very willing to repay us (in Words)? Why, this is not worth his acknowledging with all possible Gratitude, the Mighty Benefits they have received from England, &c. But after all, this Mighty Hodge-Podge of an Harangue is but to tickle us into a good Humour, that he may flyly usher in his Plea in Abatement of Damages, and so pay us all off with the Flap of a Fox-tail; It is to be Considered, whether England did not at the same time prevent their own Danger, and consequently in some measure fight their own Battels: We have been pretty well us'd to this ungrateful Complement from others of his Countrey men, who have been apt on all Occasions to reflect upon us, that 'twas not for their fakes, but our own, that we reduc'd Ireland; only Mr. Molyneux, like himfelf, gives it us in finer Language: What if we also have receiv'd some Advantage by this Reduction? I should think that a People who had any

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any due sense of Gratitude, might remain so well Content with the great Benefit that accrew'd to themfelves, by the re-enjoyment of the Estates which they had lost, as not to upbraid us with any fuch reafonable Convenience which we might draw from it, without Prejudice to them. Can they think it had been fit for us to engage in so mighty an Expence, for no other Reason than to recover their Estates for them? Well, suppose we had thought fit only to fight our own Battails, and when we had done, to have bridled the Irish by strong Garrisons, and had no reguard to have restor'd them to their Estates; perhaps we might have as well fecur'd our own Interest that way: However, the Tenderness we had for them, (how ill soever some of them seem to have deferv'd it ) would not suffer us to use so Severe a Policy, which yet if we had practic'd from the beginning, and kept our own People at home, would have turn'd to much better account to us, than if we should at last

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last be so far overseen, as to suffer a Colony of our own to Contest with us for our Trade. But yet I am for Complying with Mr. Molyneux in this matter, and I am content that a part of this Expence, in proportion to the Benefit England shall be thought to have receiv'd by the Reduction of Ireland, shall remain upon. our Account; but then I hope the vast advantage which immediately accrews to the People of Ireland by the Recovery of their Lands, and the fair time we have spar'd them from Contributing any thing, may be thought justly to intitle them to the far better part of this Charge; and if Mr. Molyneux can with as much Ingenuity find a way to pay it, as he hath been ready to own it, he will very much oblige the Government of England, at a time when their own Occasions do so much want it.

So much for Mr. Molyneux's feign'd pretence of Purchase, which can be but an Invention of some such pregnant Brain as his own; for I never before heard, that the People of England had set up any pretention for their Superiority over Ireland upon that foot; such

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p. 145. another is that which follows. Another thing alledg'd against Ireland is this; If a Forreion Nation, as France or Spain for instance, prove prejudicial to England in its Trade, or any other way; England, if it be stronger, redresses it self by force of Arms, or denouncing War; and why may not England, if Ireland lyes cross their Interests, restrain Ireland, and bind it by Laws, and maintain these Laws by Force? He discusses this Point very gravely, but fince no Body ever thought of making this any Argument but himself, and we never pretended to have so little to do with them as with France and Spain, I'll trouble my felf no further about it, but let it pass for a Meer Whimfie.

p.148. Mr. Molyneux tells us, The last thing he shall take Notice of, that some raise against them, is, that Ireland is to be lookt upon as a Colony from England: Here he attempts to delude us with a salacious Argument; but that is very easily solv'd by an Obvious Distinction. If he would not have Ireland lookt upon as a Colony, yet I

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believe there can be no Notion of a Colony clearer, than that the English planted there, are so in the strictest Sense, and that I shall undertake to prove anon, although he calls it, The most Extravagant of all Objections against them; and then without doubt it must follow, that, As the Roman Colonies were subject to the Laws made by the Senate at Rome, so ought Ireland by those made by the great Council at Westminster. I may add, or any where elfe, where our Parliament may sit to Enact Laws. But he would not have this be thought To have the least Foundation or Colour from Reason or Record; does it not manifestly appear by the Constitution of Ireland, that 'tis a Compleat Kingdom within it (elf? I fay No, 'tis but the Form of a Kingdom; for fince 'twas first subdu'd to England, Governours have always been set over it by England, and it never had Authority of it self to Exercise a Legislature, but by Directions from England. But now he's refolv'd he'll confute us, though Bellarmine stood in the way; Do not the Kings

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of England bear the Stile of Ireland, (and why did he not mind the Arms too) among the rest of their Kingdoms? Is this agreeable to the Nature of a Colony? do they use the Title of Kings of Virginia, New-England, or Maryland? Don't the Great Turk bear the Title of a great many Kingdoms? Yes, and some of them have a more Compleat Dominion among themselves than ever we gave Ireland; are they therefore all Compleat Kingdoms within themselves? The Kings of Spain have so many Titles of Kingdoms, that they have quite lost the Knowledge where some of them grow; they have us'd the Stiles of King of the East and West-Indies, and yet their acquisitions there have been but Colonies; Mexico and Peru are not Compleat Kingdoms within themselves, though they have that Title, yea, and their Governours have the Style of Vice-Roys, and that's a higher Feather than ever those of Ireland wore, (I should have excepted their absolute King John: ) The Kings of England have never call'd Virginia, New143 ]

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New England, or Maryland, by the Name of Kingdoms; is there such a deal of weight in that? The Portuguez gave the Style of a Kingdom to Goa in the East-Indies, but they never did to Brazil, though it be much the more Considerable Colony: And ngdom now I think on't, we were once aeam bout making our Dominions in Ameg the rica into a Vice-Royalty, under the Duke of Albermarle, fure then they land; 1 eat King must have made as Compleat a Kingthe King dom as Ireland; for they have as abof King folute a distinct Dominion within themselves, and I beleive, are endow'd with Authority for the regu-King lating the Affairs of their own Governments, as ample in all Respects as been Ireland, excepting only the Punctilio of a Titular Kingdom, and the Denomination of a Parliament, to the very fame thing that in the others is call'd have an Assembly : Are not all these things done or not done, according to the Humour or Fancy of Princes? Is there any thing of Essence or Reality in them? If the English of Ireland . e Kings! are in all other respects under the Virgini Circum-New

Circumstances of a Colony of England, will any Body besides Mr. Molyneux imagine, that this Title of a Kingdom doth exempt them? But he has more to fay; Was not Ireland given by Henry the Second, in a Parliament at Oxford, to his Son John, and made thereby an absolute Kingdom, separate and wholly independent on England, till they both came united again in him, after the Death of his Brother Richard without Issue? No, he continued a Subject of England, and was Try'd for his Life as such; the Parliament of England limited him from using the Style of King: Can the King of a Separate Kingdom be limited, and yet his Kingdom remain wholly Independent?

p. 149. He continues, Have not multitudes of Acts of Parliament, both in England and Ireland, declared Ireland a Compleat Kingdom? but never Independent: Is not Ireland stiled in them all the Kingdom or Realm of Ireland? Do these Names agree to a Colony?

Yes, are not the Names of Colonies agreeable to Mexico and Peru, because

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the Acts of State in Spain stile them Kingdoms? Have we not a Parliament, and Courts of Judicature? Do these things agree with a Colony? Yes, and other Colonies have effectually the same. Neither doth this involve so many absurdities as he thinks, if we do but consider what fort of a thing

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When People began to multiply in the World, and fill those Tracts that were first inhabited, they were necessitated to spread themselves farther and farther, for the better Conveniency of Living; and thus the remoter Parts came in process of Time to be peopled, with fuch as are call'd the Aborigines of Nations: In the first and innocent Ages of the World. these liv'd in an undisturb'd Quiet, contented in the Enjoyment of such things as with their own easie Cultivation, Nature plentifully bestow'd in an abundance, sufficient for the Support of all Mankind, 'till the Malice and Enmity of the Devil, operating upon the deprav'd Minds of Men, through the Curse entail'd upon them, for the Disobedience of our First Parents, stirr'd up in them the Unnatural Defire of living according to their own Wills, without regard to the Principles of Reason, and the Laws of Nature, which God had eternally stampt upon their Minds: This foon began to break the first Harmony and good Order of the Creation, and came in time to change the whole Face of Humane Affairs, and introduce a very different kind of Oeconomy among Men. Hence it was, that the more powerful Communities, if they found their own Borders too strait for them, would not give themselves the Trouble of removing to distant uninhabited parts of the Earth, but took the Liberty to incroach upon their Neighbours, and possess themselves of what the Industry of other Men had made their own just Right and Property. These Violations of the Law of Nature taught the more scatter'd People to enter into Societies, and unite together for their Mutual Defence against the Invasions of others; and for.

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for the Well-ordering of Matters. and preventing private Injuries that might occur among themselves, they thought upon the constituting Laws, for the defining of Liberty and Property, and executing Justice upon fuch as should offend against them; they apply'd themselves also to the inventing of all such further Policies as might be conducive to the acquiring and preserving the Good of the whole Society; and whether they thought best to commit the Chief Conduct of their Government to one Person as Supream, to rule them with the affistance of subordinate Ministers; or that they plac'd this Supream Authority to govern in several, with joint Power, the end and intent was still one and the same, to procure and conserve the Good of the whole People, though the Names were differing, as that of Kingdom, Common-wealth, &c. Those that instituted the best Policies, and most suitable to their Circumstances, generally became the most powerful; a Sense of their Strength, and an Opinion of their Skill

Skill in Politick Managements, made them Ambitious to gain Dominion, and Rule over others: Some united through Fear, or for Convenience, and others were fubdu'd by Force; thus from small Beginnings grew up Mighty Empires, who apply'd their whole Power to bring and keep all they could reach, under their own Dominion; by which means the Frame and Constitution of many Kingdoms and Countries came to be altered from their Original Settlements. There were yet another fort of Invaders, whose Manner was only to make room for the too Numerous Broods of their Off-spring, who did as it were fwarm out in huge Multitudes, to take up new Dwellings, where they lik'd best; with no intent to erect any United Empire, or to return again to their Native Countries; these destroy'd, drove away, or opprest the Aborigines, or former Inhabitants, where they came, and posses'd themselves of their Habitations. Of this latter fort have been the Ancient Scythians, the Goths,

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Vandals, Huns, and others of their Descendents, branch'd out into many other Appellations; but these may by no means be faid to fettle Colonies, because they retain'd not any dependance upon their Original Countries, but erected New and Absolute Governments upon their own Foundation. Of those that aim'd at the gaining and keeping together of a Mighty Empire and Vast Dominions, the Romans were the last, who grew to the greatest height, and excell'd all others in Power and Policy, and the present Kingdoms and States of Europe retain many of their Notions and Principles of Government to this day, though in many places with a large Mixture of the Gothick Constitution; but 'tis from them that we have principal'y learn'd the way of Settling and Managing of Colonies, and to their Practice we ought to have recourse in such Matters as relate thereto: And though we are not to expect, that the Circumstances of other Governments, and latter times, were obliged to follow the

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the Roman Pattern in every particular, yet I believe, upon comparing them it will appear, that few have trac'd it nearer than we did, in the Subduing and Settling of Ireland.

When the Romans had by Conquest, or any other Means, brought any Country under Subjection to their Government, they then gave the Country the Name of a Roman Province, posses'd themselves of the most Considerable Towns and Fortreffes, wherein they plac'd Competent Garrisons, and then withdrew the Body of their Army, appointing a Governour in Chief over them, whom they at any time afterwards recall'd, and fent another at their Pleasure. Did not the English in their subduing Ireland, so far imitate this way of Management, as that the Countrey became united to their Empire, in the very Nature of a Roman Province? As the Inhabitants of the Countrey made more or less Resistance against them, the Romans granted them the more or less Liberty, so that they put Considerable Tributes

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or Services on some, and suffer'd others to enjoy great Franchises and Priviledges: In like manner, the Irish making little or no Resistance, had the Laws and Liberties of Englishmen granted them. This is the Nature of a Province, but a Colony is yet another thing: If the Romans lik'd the Province, and faw it convenient for them, they fent sufficient Numbers of their own People to fettle in this Province, divided out fuch Lands to them as had been gain'd, to cultivate and manure for their own Advantage, and the Possession thereof to remain to their Posterity; the Exercise of the Roman Laws was granted them, and sometimes also they had a Senate allow'd among themselves, who might enact fuch things as the Circumstances of their own Affairs did require; they and their Posterity always remain'd free Denizons of Rome, and were always protected and defended by her, as long as she had Power to do it; but they were ever obliged to pay an intire Obedience to the Su-

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pream Decrees of the Senate of Rome, and were subject to be called home, if the Romans thought sit to dissolve the Colony. Let the Reader apply this to the Circumstance of Ireland, and consider whether it be not a better Example in point, than Mr. Moly-

neux lately gave us. I have taken the pains to fay thus much on this Head, that if possible I might open the Understandings of Mr. Molyneux and his Admirers, that they may no longer lye under a Mistake in this matter: If the Inhabitants of Countries and Nations can be made up of no more than these three forts of People, Aborigines, Iwarming Invaders, (if I may fo call them ) or Colonies; (as I think 'tis impossible to find more Original Stems, whatever Branches or Unions there may be). I am fure the English of Ireland won't pretend to be Aborigines there; neither can they reckon themselves to be upon the same bottom with the Gothick Excursions, for that was quite out of Fashion, and the Practice forgotten, Ages before they were born;

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all these parts of the World were setled under Kingdoms and Polite Governments, which with little alteration, (I don't fay in their Forms of Governing, but ) by Conquest, or otherwife, except by Unions, continue much the same to this day: They have frequently needed Help, and had been many times destroy'd, or driven quite away, but for the constant Protection and Support they have always had from their Mother England; and they have ever receiv'd a Governour, and Directions for all the Principal Managements of their Government from her; these Circumstances can be no way agreeable to an Original Gothick Settlement; and fince there's nothing else left, if Mr. Molyneux won't let them be a Colony of Old England, I see no room for them to take up any where, but in his Notion of the State of Nature, and then there will be need of reducing them again to Order as Wildmen. And though I take the Liberty to answer Mr. Molyneux after this manner, no Body can imagine that I could

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could think of such a Reslection upon the Worthy English Gentlemen of Ireland, I am sure they will be much more ready to agree with me in the same thoughts of their Duty to their Mother Countrey, which I have Discours'd in Page 75, and 76.

p. 149.

Mr. Molyneux thinks, he hath now answered The only remaining Arguments that are sometimes mentioned against them, and so He proceeds to offer what he humbly conceives, demonstrates the Justice of their Cause; and this takes up about twenty four pages to the end, in which he hath fumm'd up his Discouse; much of which is a Repeating over again, What are the Natural Rights and Freedoms of Mankind; That no body can be bound without their own free Consent in Parliament, quating Mr. Hooker, &c. and telling us again, of the Concessions made to them: But he might have spar'd himself and the Reader this Pains; we value Mr. Hooker, and all the rest that have written upon that Excellent Subject, as much as he; we have

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have maintain'd the People of Ireland in the full Enjoyment of all that could be granted them in the first Constitution; they act as freely in their own Parliaments, in matters pertaining to themselves, as ever any Body of Men in their Circumstances did in the World; our Parliaments have always shewn that regard to the Legislature which they own to be their Right, as that we have rarely medled with it, and never but upon very extraordinary Occasions, either to help them in the time of their Distress, and when they were not in a Capacity to act for themselves; (as he confesses,) or when the Good of the whole English Empire (of which they are a part ) did eminently require it, and which we should have done as effectually if they had fent Representatives to our Parliament, as we have done it without them, and as we do it to Kent and Suffex, in restraining the Owling Trade, notwithstanding they do send Representatives, who cannot hinder, if they Vote against; and to be sure, if they Vote

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Vote for those Laws, act against the Confent of those that fend them: and then why may not they complain of the Infringement of the Rights due to all Mankind, by putting Laws upon them, without their Consent? but Mr. Molyneux may fay, they have Representments; what if they don't consent? may not these People then strongly insist, that they are not bound? Yes, fure, if General Notions of Liberty must be swallowed all in a Lump. without distinguishing; but here's a Majority in the Case, and that Obliges; if it be ask'd further, why should a Man be bound by ever so great a Majority, fo as to be restrain'd from doing what he will with his own, according to the Liberty inherent in all Mankind, by the Law of Nature? Because he that is not born in the state of Nature, is effectually bound by the Consent of his Ancestors, to submit to the Constitution of his Countrey, and that with us determines that the Majority shall bind. Publick Societies can never be kept together, nor the Good of the whole

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whole conserv'd, without some such binding, fuch Limitations of Freedom as this; and this is what we have reason to require from the English of Ireland, who are certainly a Colony of England, fent thither by us, bred up, cherish'd and protected by us, in the Enjoyment of good Estates and ample Privileges, sufficient to preserve the intire Freedom of their Persons and their Properties, in all manner of Liberty and perfecti Enjoyment; excepting only, that if they should presume to extend it to fuch a Latitude, as would be highly injurious and prejudicial to England, and consequently to the whole English Empire, by wounding its Head; whereon also themselves always have, and must relye for assistance, so that in whatever they weaken her, they work their own Destruction: And the World will easily judge, that as we have the utmost of Reason on our sides, so if we are a perfect Government, we must have sufficient Power residing in our Constitution, to act upon all Extra-

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Extraordinary Occasions, whatever we shall find absolutely necessary to our Preservation, even to the binding of all the Members of our Empire, without being oblig'd to ask their Affent.

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The rest is little more than dilating upon Conclusions, arising from fuch Premises, which I hope I have fufficiently refuted in my former Difcourfe, and therefore I shall meddle no more with it, but to touch upon two Passages: The one is, where he p. 166. tells us, that It is against the King's Prerogative, that the Parliament of England should have any co-ordinate Power with him, to introduce New Laws, or repeal old Laws established in Ireland: But his Argument upon this is either false Printed, or down-right Nonsense, or at least so Confus'd, that I Confess I cann't unravel it, and I'll begg the Reader, if he would see it, to look for it in page 167. for tis too long to Transcribe and Comment upon, where any on't is intelligible: But to take it in the gross, 'tis no more than a weak attempt

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tempt to raise a Jealousie, about hurting the King's Prerogative, when yet nothing that he hath offer'd looks like it, but rather shews the King's Prerogative to be less there than in England. I wonder Mr. Molyneux should render himself so ignorant of our Constitution, in magnifying the Negative Vote, which their Parliament hath upon whatever Law is fent to them from the King in his Privy Council, as if that were a higher Privilege than the English Parliament has; whenas a little Inquiry into these Matters would have inform'd him, that the King can, if he please, bring a Bill into Parliament here, and either House may reject it, if they don't like the Law: But then what Laws he fends to their Parliament, must be first approv'd in the Privy Council here, and doth not that shew that an Authority inferior to our High Court of Parliament, hath a fort of Co-ordinate Power with him in the Legislature of Ireland? And is it not an evident Demonstration, that the King doth not act

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act any thing in relation to Ireland, upon any distinct Prerogative, as various and differing from what was inherent in the Imperial Crown of England? Nay, is not the King's Prerogative exerted in a higher degree, in the manner of his passing an English Law, where he comes into the House of Lords, and exercises in his own Person alone, (and without taking the Advice of the Privy Council of either of his other Kingdoms) one full Third Part of the Legislative Authority, and in Power above one half, as having the Casting Vote, by which he can deny against the other two Estates? And when he thus passes any Law, affecting Ireland, can any thing be more abfurd, than to suggest, That he thereby suffers

a precious fewel of his Crown to be

handled roughly?

The last Passage I shall observe, is his Parting blow, the last three Pages, wherein he Cautions us two or three times over, how Unsafe it may be for us to assume a Jurisdiction, whereby the Lords and People of Ire-

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land may think themselves ill used, their Rights and Liverties, invaded and taken away, and they may be driven into Difcontent; from whence he hints, there may be ill Consequences: We may easily see his Meaning to be a Menace, and though there may be some few of them as inconsiderate as he is, yet we have a better Opinion of the Body of the English Protestants there, than to believe that they will ever give us Occasion to think, that we have need of Exercifing severe Methods, to keep them in their due Obedience; Nay, had we the least doubt of this, it would behoove us not to suffer any Gentleman, who hath an Estate in Ireland, to bear any Command in our Army there, 'till he had given us the utmost Assurance that he was not rainted with Mr. Molyneux's Opinions. However, let me tell him, that a Supream Authority ought not to be fet upon at the Rate he does.

And now I will take leave to shew the Lords and Gentlemen of Ireland, fome of the ill Consequences that M may

may attend them, if Mr. Molyneux's Politions should gain an intire Credit.

First, If the Parliament of England should be perswaded, that they ought to look upon Ireland as a Distinct, Separate and Absolute Kingdom, with which they have nothing to do; they might not think it unreasonable for them, to demand a speedy payment of all the Expences England hath been at, in the many Affistances which they have given them; and if they shall refuse to pay it, whether it may not be just to recover our own from any Neighbour Nation by Force, if we shall think our selves able to do it?

Secondly, If the Kingdom of Ireland belongs to the King as his own Propriety, distinct from the Kingdom of England; if the Irish should at any time hereafter believe that the King of England could not be able to protect his Potestant Subjects there, without the Assistance of Men and Money from his English Parliament, and should thereupon make another Attempt

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tempt to drive them out, and seize their Estates; whether the Parliament of England would think themselves oblig'd to be at any further Expence, to protect a People with whom they had nothing to do, and who had shewn so little Gratitude for what had been done for them formerly.

Thirdly, If Ireland be such an Absolute, Independent Kingdom, by virtue of the Concessions formerly granted to them by England, those Concessions were made to the Native Irish and Old English settled there; all that Mr. Molyneux hath argued is intirely their Case, and they alone have Right to be considered, and treated with as the Body of that Kingdom; but the Modern English Protestants can have no Interest in these Ancient Grants; they are still our own People, went thither with our leave, and may not fray there without our permission; if then the Government of England should think fit to recall them, (as they may those that are in France, Holland, &c.) Whether the Irisb M 2 Papists

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Papists could either have Will or Power to protect or keep them from us?

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And now as I have been neces--sitated upon several former Occasions, to shew that Mr. Molyneux hath started many things, that may be made use of to the Disadvantage of the English of Ireland; so I think, I have allo demonstrated, that upon the foregoing Considerations, his Notions, if they should be thought reasonable, fo far as to obtain upon the Parliament of England, to believe that they ought to quit all manner of Pretenfions of their Superiority over Ireland, as amply as he desires; the Consequence must draw immediate Destruction and Ruine upon them; which I should think might sufficiently convince the Gentlemen of Ireland, that Mr. Molyneux hath not deserv'd well of them in writing this Book: And I hope they will think, that I have employ'd my time much more to their Advantage, if it may convince any that have been lead into his Mistakes, that 'tis the true Interest of the Protestants of Ireland, to remain con[165]

constant and firm in their Lovalty and Obedience to the King and Kingdom of England, and to esteem it their great Happiness, that they are annext in so easie a Subordination, to a Kingdom that is so well able to protect them, and hath requir'd fo little from them; and never more to. think that their being restrain'd from interfering with us in our principal Trade, can be too great a Retribution for the many Benefits and frequent Preservations which they have receiv'd from us, especially since they are in much easier Circumstances than the People of England to live without it; whereas the Robbing Eng. land of it, must inevitably introduce a Decay of her Riches and Power, and render her incapable to give Ireland that large Affiftance that the may possibly at some time or other need again. England hath been, and must still continue to be at a mighty Expence to maintain her Navies, and the Civil List, from all which they receive the Benefit of being protect ed in their Estates and Trade, without M 3

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out being hitherto ask'd to pay one penny towards it, so that they may clearly see, that 'twill be much easier for them to continue in such a Subordination, than to aspire to the Dignity of an Independent Kingdom, which they cannot be able to sup-

port.

I have now done with Mr. Molyneux's Book, and since I have taken so much pains with it, I hope I may be permitted to give it such a Character at parting, as I think to be in a most peculiar manner agreeable to it: 'Tis an abundance of Well chosen Words, and Fine Rhetorical Turns to prove nothing; 'tis a multitude of Arguguments and Authorities, brought together to consute its own Author; and 'tis a promulgating of such inconsiderate Notions, as would ruine and undo the People, for whom it undertakes to be a Zealous Advocate.

If it should be thought by some, that I have been too sharp in some Expressions, there are yet others, whose Judgment I have taken, that are of the Opinion, that so Insolent

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an Argument merits no less; and I think fuch a Discourse cannot well be treated with that Coolness and Indifference, which might become a Modest Controversie: Subjects that fo rashly undertake to disturb the Minds of People, and affail the Authority of a powerful Kingdom, in matters of so high a Nature, deserve at least to suffer such a Correction, that others may be deterr'd from the like Bold Attempts; let it be remembered, that Salmasius was lash'd to Death by a Pen, provok'd in (what in those times he thought ) the Cause of his Country, and Mr. Molyneux may be thankful, that we have no Milton living to handle him. I am a perfect Stranger to the Gentleman, and can have no personal Disrespect for him; and if he'll give me leave to distinguish, as nicely as he does between the King and the Kingdom, 'tis his Book, not him that I would expose; after all, if in regard to his Person, I do with the lowest Submission ask his Pardon in the End, I hope I shall come off with as good Man-M 4

## [168]

Manners, as he does with the Parliament of England, in asking theirs in the Beginning of his Difcourfe.

Last of all, to reflect a little upon my felf, I ought to ask Pardon of the World for what Mistakes I may have committed; for I cannot think so well of my felf, but that some may have flipt my own Observation: Reading hath not been my Bufinefs, and therefore it may feem somewhat strange, that I should have undertaken to deal with a Book that professes so much; I was resolv'd therefore to handle it in fuch a way wherein I might be most safe. There was indeed room enough for me to shew, from undenvable Authorities, that Mr. Molyneux hath very extravagantly err'd and fallen short, in his Representation of this Matter; for there are many English Acts of Parliament extant, which prove, that as well in ancient times, as fince Poyning's Law, the constant practice of England hath been to make Laws binding upon Ireland, as often as they

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faw fit; whereof he hath taken no manner of Notice; which must conclude him either to have dealt very difingeniously, or what will no less reflect upon him, that he was too ignorant in Matters of Fact, for fo considerable an Attempt: But this part being undertaken by a much abler Pen, I was resolv'd to let all that alone, and meddle with no Authorities but what Mr. Molyneux hath produc'd; and as far as possible to admit of his own Arguments, and only endeavour to turn the Reafon, which Naturally flows from them, against him. Can there be a fairer Opposition, than to fight a Man at his own Weapons? I have indeed here and there, as Occasion hath required, afferted some things that may have occurr'd to me, through that small stock of Reading or Converfation that hath fallen to my share; and if my Memory don't serve me fo well as to be able to prove them out of Authors, I don't think 'twill be thought any great Fault; it may be sufficient for me to say, that they

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## [170]

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are become Principles to me; and I think them fo conspicuous, that the reasonable part of Mankind don't disagree about them: Besides, I was resolv'd to have a Care of Mr. Molyneux's Failing, least I should chance to quote any Authorities which might with more advantage be used against me. I had never medled in this Matter, but that I saw Mr. Molyneux was so egregiously out in it, as that a Man of indifferent Reasoning might undertake it, and 'twas that part only that I was willing to attempt: Neither did I resolve to go on with it, when I was told that a very Learned Gentleman had an Answer in Hand, 'till shewing what I had written to some Gentlemen of better Judgments than my own, I was encourag'd by them to go through in the way I had begun, because they believ'd Mr. Attwood would principally handle the Learned part, and mine might also have its Service. How meanly foever I have been able to perform it, I am sure it will appear that my Intentions were right,

## [171]

and I need no more to recommend me to the Charitable part of Mankind, and he that is afraid of the rest, ought of all things in the World to sorbear Writing in this Critical Age.

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## FINIS.

Some few Faults have escaped the Press, which the Reader is desired to Correct.

Page 14 of the Epistle, Line 4 Read a Fendatory.

Page 13 Line 21 Read as with.

34	14	Rebellions.
75	14	Person.
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156	8	Representatives.

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